

SENATE BILL NO. 30 ON SECOND
READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 30, A bill to be entitled "An Act to amend Section 36, Acts of 1919, Second Called Session, Chapter 78, of the General Laws of the State of Texas, so as to provide adequate and proper punishment for the violation of said chapter, same being the State-wide Intoxicating Liquor Prohibition Law, and declaring an emergency."

The bill was read second time.

Mr. Abney offered the following amendment to the bill:

Amend Senate bill No. 30 as follows: Strike from Section 36 as amended by Section 1 of the bill (Journal, page 429) the following words: "one (1) year, and by a fine of not less than one hundred (\$100) dollars nor more than two thousand (\$2000) dollars." Insert in lieu thereof "two years or by a fine of not less than five hundred dollars nor more than two thousand dollars."

Mr. Hull moved to table the amendment.

The motion to table was lost.

Question recurring on the amendment, it was adopted.

Senate bill No. 30 was then passed to third reading.

MOTION FOR SPECIAL ORDER.

Mr. Quinn moved that House bill No. 30 be set as special order for 10 o'clock a. m. tomorrow.

The motion was lost.

ADJOURNMENT.

Mr. Crawford moved that the House adjourn until 9 o'clock a. m. tomorrow.

Mr. Bonham moved that the House adjourn until 10 o'clock a. m. Monday.

Mr. Burmeister moved that the House adjourn until 4:15 o'clock p. m. today.

The motion of Mr. Bonham prevailed, and the House, accordingly, at 4:20 o'clock p. m., adjourned to 10 o'clock a. m. tomorrow.

TWENTY-FIRST DAY.

(Monday, May 14, 1923.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Seagler.

The roll was called and the following members were present:

Abney.	LeMaster.
Amsler.	LeSturgeon.
Arnold.	Lewis.
Avis.	Loftin.
Baker of Milam.	Looney.
Baker of Orange.	McBride.
Baldwin.	McDaniel.
Barker.	McDonald.
Barrett.	McKean.
Beasley.	McNatt.
Bell.	Martin.
Bird.	Mathes.
Bobbitt.	Maxwell.
Bonham.	Melson.
Bryant.	Merritt.
Burmeister.	Miller.
Cable.	Moore.
Carpenter	Morgan
of Dallas.	of Liberty.
Carpenter	Morgan
of Matagorda.	of Robertson.
Carson.	Pate.
Carter of Hays.	Patman.
Chitwood.	Patterson.
Coffee.	Perdue.
Collins.	Pinkston.
Covey.	Pool.
Cowen.	Pope.
Crawford.	Potter.
Culp.	Price.
Davenport.	Purl.
Davis.	Quaid.
DeBerry.	Quinn.
Dinkle.	Rice.
Dodd.	Robinson.
Downs.	Rogers.
Driggers.	Rowland.
Duffey.	Russell
Dunn.	of Callahan.
Durham.	Russell of Trinity.
Edwards.	Sackett.
Faubion.	Sanford.
Fields.	Satterwhite.
Finlay.	Shearer.
Frnka.	Shires.
Fugler.	Simpson.
Gipson.	Sparkman.
Green.	Stell.
Greer.	Stevens.
Hardin of Erath.	Stewart
Harrington.	of Edwards.
Harris.	Stewart
Henderson	of Galveston.
of Marion.	Stewart of Jasper.
Henderson	Stewart of Reeves.
of McLennan.	Stiernberg.
Hendricks.	Storey.
Howeth.	Stroder.
Hull.	Sweet.
Irwin.	Teer.
Jacks.	Thompson.
Jennings.	Thrasher.
Johnson.	Vaughan.
Kemble.	Wallace.
Lackey.	Wells.
Laird.	Westbrook.
Lane.	Wessels.

Wilmans.
Wilson.

Winfree.
Young.

Absent.

Dielmann.
Dunlap.
Hardin
of Kaufman.
Houston.
Hughes.
Jones.

McFarlane.
Montgomery.
Smith.
Strickland.
Turner.
Williamson.

Absent—Excused.

Atkinson.
Blount.
Carter of Coke.

Lamb.
Lusk.
Merriman.

A quorum was announced present.
Prayer was offered by Rev. J. C. Mitchell, Chaplain.

RELATING TO ESTABLISHING STATE PARK.

Mr. Stewart of Reeves offered the following resolution:

H. C. R. No. 11, Relating to State Park.

Whereas, Steps are being taken to establish a great State or national park in the Davis Mountains in Jeff Davis county; and

Whereas, There are public school and asylum lands within said county that will come on the market for sale before arrangements can be made to investigate and outline said Davis Mountain Park site; and

Whereas, If the said lands should be sold by the State while inspection and plans for establishing said park are in progress, parties would probably buy said lands with a view of profiteering on said park; therefore, be it

Resolved by the House of Representatives, the Senate concurring. That the Commissioner of the General Land Office is hereby authorized and directed to withhold sale of the public lands within Jeff Davis county until January 1, 1924, and if in the meantime a State Parks Committee should outline an area for a Davis Mountain Park, the Commissioner of the General Land Office is authorized and directed to withhold the sale of all public land within said designated area until January 1, 1926.

The resolution was read second time, and was adopted.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 5.

Mr. Wallace called up, for consideration at this time, the following report:

Committee Room,
Austin, Texas, May 11, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives, and Hon. T. W. Davidson, President of the Senate.

Sirs: Your conference committee on House bill No. 5 have had the same under consideration, and beg leave to report to you that we have settled the differences between the House and the Senate, and submit the following substitute bill and recommend its passage:

H. B. No. 5, A bill to be entitled "An Act making appropriation to pay salaries of judges and the support of the Judicial Department of the State government for the two years beginning September 1, 1923, and ending August 31, 1925."

Be it enacted by the Legislature of the State of Texas:

Section 1. That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated to pay salaries of judges, and for the support of the Judicial Department of the State government for the years ending August 31, 1924, and August 31, 1925:

JUDICIARY.

Supreme Court.

	For Years Ending Aug. 31, 1924.	Aug. 31, 1925.
Salaries of:		
Three judges.....	\$19,500	\$19,500
Clerk of court.....	2,500	2,500
Reporter	3,000	3,000
Stenographers and law clerks, three..	5,400	5,400
Assistant librarian and marshal	1,500	1,500
Porter, judge's rooms.	600	600
Porter, court room, clerk's office and li- brary	720	720
Furniture, record books, stationery, typewriters, post- age and express...	2,000	2,000
Purchase of law books for the Su- preme Court li- brary and consulta- tion room to be se- lected and pur- chased by the court and for rebinding.	3,000	3,000
The deputy clerk shall receive as compen- sation for acting		

secretary to Board of Legal Examiners the sum of \$500 per annum, such com- pensation shall be paid monthly out of the fees of the clerk's office	500	500
Contingent expenses.	300	300

Total for Supreme
Court \$39,020 \$39,020

Commission of Appeals.

Salaries of:		
Six judges at \$6500 per annum each...	\$39,000	\$32,500
Stenographers, two..	3,000	2,500
Porter	720	600
Record books, rental on law books, sta- tionery, telephone, postage and contin- gent expenses	900	750

Total for Commis-
sion of Appeals.. \$43,620 \$36,350

Court of Criminal Appeals.

Salaries of:		
Three judges	\$19,000	\$19,500
Bailiff and stenog- rapher	1,800	1,800
Stenographers, two...	3,600	3,600
Reporter	3,000	3,000
Clerk	3,000	3,000
Porter	720	720
Postage and box rent	250	250
Law books	500	500
Record books and sta- tionery	600	600
Contingent expenses..	200	200
Furniture, files and for pictures of the deceased judges ...	300	300
Telephone	132	132

Total Court of Crim-
inal Appeals..... \$33,602 \$33,602

Assistant Attorney General Court of
Criminal Appeals.

Salaries of:		
Assistant Attorney General to the Court of Criminal Appeals	\$ 3,600	\$ 3,600
Second Assistant At- torney General	3,000	3,000
Law clerk and stenog- rapher	1,800	1,800
Law books for the As- sistant Attorney		

General to be bought by him.....	100	100
Postage and box rent	75	75
Contingent expenses.	50	50
Telephone	60	60
Furniture and book shelves	150	
One new typewriter..	120	

Total \$8,955 \$8,685

Court of Civil Appeals, First District,
Galveston.

Salaries of:		
Three judges	\$15,000	\$15,000
Clerk of court	3,000	3,000
Deputy clerk of court	1,500	1,500
Stenographer	1,500	1,500
Bailiff	100	100
Porter	600	600
Books for library to be selected and pur- chased by the court	300	300
Postage and box rent	250	250
Books and stationery	300	300
Furniture and type- writers	110	110
Fuel, light and ice..	350	350
Contingent expenses..	100	100

Total \$23,110 \$23,110

Court of Civil Appeals, Second District,
Fort Worth.

Salaries of:		
Three judges	\$15,000	\$15,000
Clerk	3,000	3,000
Deputy clerk	1,500	1,500
Stenographer	1,500	1,500
Bailiff	100	100
Porter	600	600
Books for library...	300	300
Contingent expenses..	100	100
Postage and box rent.	200	200
Record books and sta- tionery	300	300
Repairs and furniture For rugs and floor covering for office and library	100	100
Telephone and ice...	125	125
For binding books...	525	

Total \$23,850 \$22,825

Court of Civil Appeals, Third District,
Austin.

Salaries of:		
Three judges	\$15,000	\$15,000
Clerk of court.....	3,000	3,000
Deputy clerk	1,500	1,500
Stenographer	1,500	1,500

Porter	600	600
Bailiff	100	100
Record books and stationery	200	200
Ice, telephone and express	100	100
Postage and box rent	200	200
Contingent expenses..	100	100
Law books for library	455	200
For chairs	250	
Three typewriters....	300	
One fee book.....	65	
One lawyer's receipt book	35	

Total \$23,405 \$22,530

Court of Civil Appeals, Fourth District,
San Antonio.

Salaries of:

Three judges	\$15,000	\$15,000
Clerk	3,000	3,000
Deputy clerk	1,500	1,500
Stenographer	1,500	1,500
Bailiff	100	100
Porter	600	600
Postage and box rent	200	200
Record books and stationery	300	300
Books for library....	300	300
Telephone, express and ice	100	100
Furniture	100	100
Contingent expenses..	75	75

Total \$22,775 \$22,775

Court of Civil Appeals, Fifth District,
Dallas.

Salaries of:

Three judges	\$15,000	\$15,000
Clerk of court.....	3,000	3,000
Deputy clerk	1,500	1,500
Stenographer	1,500	1,500
Bailiff	100	100
Porter	600	600
Record books and stationery	200	200
Books for library....	300	300
Postage and box rent	150	150
Contingent expenses.	75	75
Telephone and ice...	200	200

Total \$22,625 \$22,625

Court of Civil Appeals, Sixth District,
Texarkana.

Salaries of:

Three judges	\$15,000	\$15,000
Clerk of court.....	3,000	3,000
Deputy clerk	1,500	1,500
Stenographer	1,500	1,500

Bailiff	100	100
Porter	600	600
Record books and stationery	200	200
Postage and box rent	150	150
Book cases, furniture and typewriters...	250	250
Books for library....	300	300
Contingent expenses.	100	100

Total \$22,700 \$22,700

Court of Civil Appeals, Seventh District,
Amarillo.

Salaries of:

Three judges	\$15,000	\$15,000
Clerk of court.....	3,000	3,000
Deputy clerk	1,500	1,500
Stenographer	1,500	1,500
Bailiff	100	100
Porter	600	600
Record books and stationery	200	200
Postage and box rent	150	150
Telephone, fuel and ice	125	125
Books for library....	300	300
Contingent expenses.	100	100
Two typewriters	175	

Total \$22,750 \$22,575

Court of Civil Appeals, Eighth District,
El Paso.

Salaries of:

Three judges	\$15,000	\$15,000
Clerk of court.....	3,000	3,000
Deputy clerk	1,500	1,500
Stenographer	1,500	1,500
Bailiff	100	100
Porter	600	600
Record books and stationery	200	200
Books for library to be selected and purchased by the court	300	300
Postage and box rent	150	150
Typewriters	100	100
Telephone, ice and fuel	200	200
Contingent expenses.	100	100
Furniture	100	100

Total \$22,850 \$22,850

Court of Civil Appeals, Ninth District,
Beaumont.

Salaries of:

Three judges	\$15,000	\$15,000
Clerk of court.....	3,000	3,000
Deputy clerk	1,500	1,500

Stenographer	1,500	1,500
Bailiff	100	100
Porter	600	600
Books for library....	300	300
Contingent expenses..	100	100
Postage and box rent	150	150
Record books and sta- tionery	200	200
Furniture and type- writers	150	150
Telephone, ice, lights and fuel	150	150
Total	\$22,750	\$22,750

**Court of Civil Appeals, Tenth District,
Waco.**

Salaries of:

Three judges	\$15,000	\$15,000
Clerk of court	3,000	3,000
Deputy clerk	1,500	1,500
Stenographer	1,500	1,500
Bailiff	100	100
Porter	600	600
Postage and box rent	150	150
Telephone, ice, light and fuel	150	150
Books for library to be selected and pur- chased by the court	800	800
Record books and sta- tionery	700	700
Filing cases and fur- niture	1,000	
Three typewriters ..	300	
Contingent expenses..	200	200
Total	\$25,000	\$23,700

**Court of Civil Appeals, Eleventh Dis-
trict, Eastland.**

Salaries of:

Three judges	\$15,000	\$15,000
Clerk of court	3,000	3,000
Stenographer	1,500	1,500
Bailiff	100	100
Porter	600	600
Record books and sta- tionery	700	200
Books for library....	800	300
Postage and box rent	150	150
Contingent expenses..	75	75
Telephone and ice...	100	100
Three typewriters...	300	
Filing cases and fur- niture	1,000	
Total	\$23,325	\$21,025

The appropriations herein provided
for are to be construed as the maxi-

mum sums to be appropriated to and for the several purposes named herein, and no deficiency shall be created and no warrant shall be issued and no expenditures shall be made, nor shall any obligations be incurred, which, added to the actual expenditures, will exceed the amounts herein appropriated for either of said purposes.

Provided that it shall be the duty of the clerks of the various courts above mentioned on the first Monday in July, October, January and April of each year to make a report to the Comptroller, showing the amount of fees collected each year, giving the number of cases, but not necessarily the style of case, together with the fees from other sources, stating in each instance the source.

Provided that the amount herein appropriated for each item as herein stated, and no more, shall be paid out of the general revenue during the fiscal years beginning September 1, 1923, and ending August 31, 1925, and no surplus shall be diverted from one account to another; and provided further, that no warrants shall be issued, or obligations incurred in excess of the amounts herein appropriated.

Fees shall be fixed, charged and collected from book companies, litigants and their attorneys and all others for all unofficial and certified copies of opinions of the court made or furnished by said court or the clerk, stenographers or other employes thereof, and fees shall be fixed, charged and collected for all other services rendered by said court, the clerk, stenographers or other employes to book companies, litigants and their attorneys, and all others not now furnished or required to be furnished free of charge, and all of said fees and charges, when collected, shall be paid into the Treasury of the State of Texas.

Judiciary.

	For Years Ending Aug. 31, Aug. 31, 1924. 1925.	
Salaries of:		
Ninety-eight district judges	\$392,000	\$392,000
Judge county court at law, Texarkana...	3,600	3,600
Forty-nine district at- torneys	24,500	24,500
Expenses of district judges and district attorneys as allow- ed by the Acts of the Thirty-eighth		

Legislature, payable in equal quarterly installments	40,000	40,000	the Thirty-second Legislature	500	500
Five criminal district attorneys	2,500	2,500	To pay costs and fees of officers in cases of escheated estates, including cases on which such costs and fees have already accrued and owing by the State	100	100
Assistant district attorney, El Paso county	2,500	2,500	Total	\$1,243,700	\$1,243,700
Six criminal district court judges at \$4000 each	24,000	24,000	Grand total for Judiciary bill.....	\$1,624,037	\$1,611,847
Expenses of attached witnesses and witness fees and mileage allowed witnesses in felony cases who reside in counties other than the county in which the cause is being tried	150,000	150,000	Grand total for both years	\$3,235,884	
Fees of county attorneys, justices of the peace, sheriffs and constables in examining trials	80,000	80,000	Provided, that the amounts herein appropriated for each item as herein stated, and no more, shall be paid out of the general revenue for the Judiciary during the fiscal years beginning September 1, 1923, and ending August 31, 1925, and no surplus shall be diverted from one account to another account; provided further, that no deficiency shall be created nor shall any warrants be issued, or other obligations incurred, in excess of the amounts herein appropriated.		
Fees and costs of sheriffs, attorneys and clerks in felony cases	400,000	400,000	Provided, that all accounts under this section which require the approval of any district judge shall be examined by the Comptroller, and, if correct, he shall issue his warrant therefor, but if he shall find same incorrect in whole or in part, he may cause an audit of same to be made before warrant is issued.		
Fees, costs and per diem of fifty-two district attorneys..	118,000	118,000	Provided, that the Governor, in case of an extraordinary emergency may authorize a deficiency for such purpose or purposes which could not have been anticipated or provided for by the Legislature. All moneys appropriated by this act shall remain in the State Treasury and be paid out only as it is expended or as the necessity or emergency may require. Nothing in this act shall be held to repeal or impair the authority conferred by Article 4342, Revised Civil Statutes of 1911, providing for the creation of deficiencies, and authorizing the Governor to act in case of emergency.		
To pay salaries of special district judges	5,000	5,000	It shall be unlawful for the Comptroller of this State to draw any warrant for the payment of any claim for money appropriated by this act, for services performed after this act takes effect, to any person employed under this act, who may be related within the		
To pay expenses of district judges in holding court outside of their own district..	1,000	1,000			
For the payment of transcript in cases where the court is required to and does appoint an attorney to represent the defendant in a criminal action and where the official reporter is required and does furnish the attorney for such defendant, if convicted, with a transcript of his his notes as provided for in Section 14, Chapter 119, page 264, of the General Laws of the State of Texas, passed by the Regular Session of					

third degree of consanguinity or affinity, to the person empowered under this act to make appointments, in whole or in part, and any person violating this provision of this act, upon conviction thereof, shall be punished as provided by the law passed by the Thirtieth Legislature prohibiting nepotism.

Provided, that each and every employe under this act shall be paid by voucher, issued in his or her name; said voucher shall state the amount of salary or sum due, and for what services performed, with the date and time of such service, and no money or moneys shall be paid except upon presentation of said voucher or vouchers indorsed by the payee.

Sec. 2. The fact that the above and foregoing is one of the regular appropriation bills for the support of the State government for the two fiscal years beginning September 1, 1923, and ending August 31, 1925, creates a necessity for the expediting of the passage of this appropriation bill, therefore creates an emergency and an imperative public necessity which demands that the rule requiring bills to be read on three several days be suspended and that this bill become effective from and after its passage, and it is so enacted.

Respectfully submitted,

WALLACE,
POTTER,
ABNEY,
HENDERSON of McLennan,
POPE,

On the part of the House.

BAILEY,
WOOD,
RIDGEWAY,
BLEDSOE,
BURKETT,

On the part of the Senate.

On motion of Mr. Quaid, the report was adopted.

HOUSE BILL NO. 26 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 26, A bill to be entitled "An Act to amend Articles 7369, 7370, 7371, 7372, 7373, 7377, 7378 and 7382, of Chapter 2, Title 126, of the Revised Civil Statutes of Texas, 1911, relative to the levying of occupation taxes upon individuals, companies, corporations and associations pursuing any of the occupations, that is, viz., express companies,

telegraph companies, gas, electric light, power or waterworks, collecting or commission agencies, car companies, wholesale dealers in oil, interurban and electric railway companies and telephone companies; providing for an increase of the gross receipts tax to be paid by said companies; providing for a new article to be numbered 7383b, to provide that each company subject to the provisions of this chapter shall cause to be made and to be kept and preserved a full and complete record of all business done by said companies during the time so engaged in said business, and said record shall be open to the inspection of all tax officers of the State; and also providing further that any company subject to the provisions of the Intangible Tax Law as set out in Chapter 4, Title 126 of the Revised Statutes of 1911, and all amendments thereto, and are complying with the provisions of said law, shall not be subject to the provisions of this chapter, and declaring an emergency."

The bill was read third time.

Mr. Culp offered the following amendment to the bill:

Amend the bill by striking out of committee amendment No. 6 the last paragraph thereof and substituting the following therefor:

Provided, in ascertaining the population of any city or town the last United States census shall be used; and the gross receipts shall be determined by ascertaining the gross earnings, from all sources, at the place where same are paid. Provided, further, that any individual, company, corporation or association changing the regular place of payment or collection to effect a reduction in whole or in part of the tax herein levied shall thereby become liable to pay the highest rate collectible in any city or town wherein it operates a telephone exchange.

The amendment was adopted.

House bill No. 26 was then finally passed by the following vote:

Yeas—82.

Amsler.	Covey.
Barker.	Culp.
Bobbitt.	Davis.
Bonham.	DeBerry.
Bryant.	Dinkle.
Burmeister.	Dodd.
Cable.	Downs.
Carson.	Driggers.
Carter of Hays.	Duffey.
Chitwood.	Dunn.

Durham.	Price.
Fields.	Purl.
Finlay.	Quaid.
Frnka.	Quinn.
Fugler.	Rice.
Green.	Robinson.
Greer.	Rowland.
Harris.	Russell of Trinity.
Howeth.	Sackett.
Jennings.	Sanford.
Kemble.	Satterwhite.
Laird.	Shearer.
Lane.	Simpson.
LeMaster.	Sparkman.
Looney.	Stell.
McBride.	Stevens.
McDaniel.	Stewart
McDonald.	of Galveston.
McNatt.	Stewart of Jasper.
Martin.	Stewart of Reeves.
Mathes.	Stiernberg.
Melson.	Stroder.
Merritt.	Sweet.
Miller.	Thompson.
Moore.	Thrasher.
Morgan	Vaughan.
of Robertson.	Wallace.
Pate.	Wells.
Patman.	Westbrook.
Perdue.	Wilms.
Pinkston.	Young.
Pool.	

Nays—19.

Arnold.	Hull.
Avis.	Irwin.
Baker of Milam.	Jacks.
Baker of Orange.	McKean.
Bird.	Maxwell.
Carpenter	Potter.
of Dallas.	Rogers.
Davenport.	Wessels.
Gipson.	Wilsor.
Harrington.	Winfree.
Henderson	
of McLennan.	

Present—Not Voting.

Mr. Speaker.	Hendricks.
Abney.	Storey.

Absent.

Baldwin.	Hardin of Frath.
Barrett.	Hardin
Beasley.	of Kaufman.
Bell.	Henderson
Carpenter	of Marion.
of Matagorda.	Houston.
Coffee.	Hughes.
Collins.	Johnson.
Cowen.	Jones.
Crawford.	Lackey.
Dielmann.	LeSturgeon.
Dunlap.	Lewis.
Edwards.	Loftin.
Faubion.	McFarlane.

Montgomery.	Smith.
Morgan	Stewart
of Liberty.	of Edwards.
Patterson.	Strickland.
Pope.	Teer.
Russell	Turner.
of Callahan.	Williamson.
Shires.	

Absent—Excused.

Atkinson.	Lamb.
Blount.	Lusk.
Carter of Coke.	Merriman.

SENATE BILL NO. 59 ON SECOND READING.

On motion of Mrs. Wilms, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading, S. B. No. 59, A bill to be entitled "An Act creating an Illiteracy Commission."

The Speaker laid the bill before the House, it was read second time, and was passed to third reading.

MOTION TO TAKE UP SENATE BILL NO. 59.

Mrs. Wilms moved that the constitutional rule requiring bills to be read on three several days be suspended, and that Senate bill No. 59 be placed on its third reading and final passage.

The motion was lost by the following vote, not receiving the necessary four-fifths vote:

Yeas—73.

Mr. Speaker.	Greer.
Amsler.	Harris.
Arnold.	Henderson
Barrett.	of Marion.
Bobbitt.	Hendricks.
Bonham.	Irwin.
Burmeister.	Jacks.
Carpenter	Jennings.
of Dallas.	Kemble.
Carpenter	Lackey.
of Matagorda.	Lane.
Carson.	LeMaster.
Chitwood.	LeSturgeon.
Collins.	McBride.
Cowen.	McDonald.
Davis.	McNatt.
DeBerry.	Mathes.
Dodd.	Maxwell.
Downs.	Miller.
Driggers.	Morgan
Duffey.	of Liberty.
Durham.	Morgan
Faubion.	of Robertson.
Gipson.	Pate.
Green.	Patman.

Pinkston.	Sparkman.
Pool.	Stell.
Potter.	Stevens.
Price.	Stewart of Reeves.
Purl.	Stiernberg.
Quaid.	Stroder.
Quinn.	Sweet.
Rice.	Teer.
Robinson.	Thompson.
Rogers.	Thrasher.
Russell of Trinity.	Wells.
Sackett.	Westbrook.
Satterwhite.	Wilmans.
Shearer.	Young.

Nays—35.

Abney.	Looney.
Avis.	McDaniel.
Baker of Milam.	McKean.
Baker of Orange.	Martin.
Barker.	Melson.
Bird.	Merritt.
Bryant.	Moore.
Cable.	Perdue.
Carter of Hays.	Pope.
Davenport.	Rowland.
Fields.	Simpson.
Finlay.	Stewart of Jasper.
Frnka.	Storey.
Henderson	Vaughan.
of McLennan.	Wessels.
Howeth.	Wilson.
Laird.	Winfree.

Asent.

Baldwin.	Johnson.
Beasley.	Jones.
Bell.	Lewis.
Coffee.	Loftin.
Covey.	McFarlane.
Crawford.	Montgomery.
Culp.	Patterson.
Dielmann.	Russell
Dinkle.	of Callahan.
Dunlap.	Sanford.
Dunn.	Shires.
Edwards.	Smith.
Fugler.	Stewart
Hardin of Erath.	of Edwards.
Hardin	Stewart
of Kaufman.	of Galveston.
Harrington.	Strickland.
Houston.	Turner.
Hughes.	Wallace.
Hull.	Williamson.

Absent—Excused.

Atkinson.	Lamb.
Blount.	Lusk.
Carter of Coke.	Merriman.

SENATE BILL NO. 47 ON SECOND READING.

On motion of Mr. Gipson, the regular order of business was suspended to take

up and have placed on its second reading and passage to third reading,

S. B. No. 47, A bill to be entitled "An Act relating to the compensation of county tax collectors for the collection of license fees on motor vehicles," etc.

The Speaker laid the bill before the House, it was read second time, and was passed to third reading.

MOTION TO TAKE UP SENATE BILL NO. 47.

Mr. Gipson moved that the constitutional rule requiring bills to be read on three several days be suspended, and that Senate bill No. 47 be placed on its third reading and final passage.

The motion was lost by the following vote, not receiving the necessary four-fifths vote:

Yeas—76.

Mr. Speaker.	Melson.
Amsler.	Morgan
Arnold.	of Liberty.
Baker of Milam.	Morgan
Baker of Orange.	of Robertson.
Barker.	Pate.
Bird.	Perdue.
Bobbitt.	Pinkston.
Burmeister.	Pool.
Carpenter	Potter.
of Dallas.	Purl.
Carpenter	Quinn.
of Matagorda.	Robinson.
Carson.	Rogers.
Carter of Hays.	Rowland.
Chitwood.	Russell of Trinity.
Collins.	Sackett.
Cowen.	Satterwhite.
Crawford.	Shearer.
Culp.	Shires.
DeBerry.	Simpson.
Downs.	Sparkman.
Duffey.	Stewart
Durham.	of Edwards.
Faubion.	Stewart
Fields.	of Galveston.
Fugler.	Stewart of Jasper.
Gipson.	Stiernberg.
Greer.	Storey.
Harrington.	Stroder.
Hull.	Sweet.
Irwin.	Teer.
Jacks.	Thrasher.
Kemble.	Vaughan.
Laird.	Wells.
Lane.	Westbrook.
LeSturgeon.	Wessels.
Lewis.	Wilmans.
Looney.	Wilson.
McBride.	Winfree.
McNatt.	Young.

Nays—30.

Avis.	McDaniel.
Barrett.	Martin.
Bonham.	Mathes.
Bryant.	Maxwell.
Cable.	Merritt.
Davis.	Miller.
Dodd.	Patman.
Driggers.	Pope.
Finlay.	Price.
Frnka.	Quaid.
Green.	Rice.
Harris.	Sanford.
Henderson	Stell.
of Marion.	Thompson.
Hendricks.	Wallace.
LeMaster.	

Present—Not Voting.

Abney.	McDonald.
Jennings.	Stevens.

Absent.

Baldwin.	Hughes.
Beasley.	Johnson.
Bell.	Jones.
Coffee.	Lackey.
Covey.	Loftin.
Davenport.	McFarlane.
Dielmann.	McKean.
Dinkle.	Montgomery.
Dunlap.	Moore.
Dunn.	Patterson.
Edwards.	Russell
Hardin of Erath.	of Callahan.
Hardin	Smith.
of Kaufman.	Stewart of Reeves.
Henderson	Strickland.
of McLennan.	Turner.
Houston.	Williamson.
Howeth.	

Absent—Excused.

Atkinson.	Lamb.
Blount.	Lusk.
Carter of Coke.	Merriman.

RELATING TO CONSIDERATION OF BILLS.

Mr. Shires offered the following resolution:

Whereas, There are certain bills now on the desk of the Speaker of the House which should, if time permits, have consideration; and

Whereas, The rules provide that the Speaker shall not be authorized to recognize, or shall he recognize, any one to take a bill up out of its regular order within forty-eight hours preceding final adjournment; therefore, be it

Resolved, That said rule be suspended for twenty-four hours.

The resolution was read second time.

On motion of Mr. Lewis, the resolution was tabled.

SENATE BILL NO. 49 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 49, A bill to be entitled "An Act to amend Article 7407 of Chapter 4, Title 126, of the Revised Civil Statutes of Texas of 1911, relating to the creation of a State Tax Board; fixing the annual salary of the State Tax Commissioner; providing that the provisions hereof with respect to such salary shall be superior to those of any other statute of this State conflicting therewith, and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 73 ON THIRD READING.

On motion of Mr. Lewis, the regular order of business was suspended to take up and have placed on its third reading and final passage,

S. B. No. 73, A bill to be entitled "An Act to create and provide for a Department of Banking for the State of Texas, separate from the Department of Insurance of this State; to provide for the appointment, term of office, official name, compensation, and to prescribe the qualifications, powers and duties of the head of such department; providing for a seal of office; requiring of the Banking Commissioner of Texas an oath of office and a bond for the faithful discharge of his duties; providing for the appointment of a Deputy Commissioner of Banking, defining his duties, fixing his compensation, requiring of him an oath of office and a bond for the faithful discharge of the duties of his office; providing clerical help for such department; providing for the appointment of State bank examiners, fixing their number, salaries and duties; providing for the number of examinations that shall be made by State examiners of State banks, fixing the fees they shall be paid for such examinations and providing how payments for salaries and expenses of examinations shall be made; providing for the appointment of a departmental examiner, prescribing his duties and fixing his compensation; providing for the appointment of a general liquidating agent, prescribing his duties

and fixing his compensation; amending Chapter 10, General Laws of Texas passed by the First Called Session of the Twenty-ninth Legislature in 1905, being Senate bill No. 6, and amending Section 38 of said Chapter 10; amending Chapter 205, General Laws of the Thirty-fifth Legislature passed at the Regular Session in 1917, and amending Section 5 of said Chapter 205; amending Chapter 15 of the Second Called Session of the Thirty-first Legislature passed in 1909, being Senate bill No. 4; amending Articles 518, 519, 521, 521a and 522, Revised Civil Statutes of 1911 and amendments therof, as amended by the Acts of the Thirty-first Legislature at its Regular Session in 1909, being Section 44 of Chapter 15 of Senate bill No. 4, and Article 521a, Revised Civil Statutes of 1911 and amendments thereof, as amended by Chapter 205, Section 7, Acts of the Thirty-fifth Legislature at its Regular Session in 1917; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The Speaker laid the bill before the House, it was read third time, and was passed by the following vote:

Yeas—63.

Mr. Speaker.	Lewis.
Amsler.	McNatt.
Arnold.	Martin.
Baker of Milam.	Melson.
Baker of Orange.	Miller.
Baldwin.	Patman.
Barker.	Pool.
Bird.	Pope.
Bryant.	Potter.
Burmeister.	Quinn.
Carpenter	Robinson.
of Matagorda.	Rogers.
Carson.	Russell
Carter of Hays.	of Callahan.
Chitwood.	Russell of Trinity.
Cowen.	Sackett.
Davenport.	Satterwhite.
DeBerry.	Shires.
Dunlap.	Simpson.
Edwards.	Smith.
Faubion.	Sparkman.
Frnka.	Stevens.
Fugler.	Stewart
Gipson.	of Edwards.
Harris.	Stewart
Henderson	of Galveston.
of Marion.	Stewart of Reeves.
Hendricks.	Stroder.
Hull.	Sweet.
Irwin.	Thrasher.
Jacks.	Vaughan.
Lackey.	Wells.
Lane.	Westbrook.
LeStourgeon.	Winfree.

Nays—37.

Abney.	Looney.
Avis.	McBride.
Barrett.	McDaniel.
Cable.	Mathes.
Covey.	Merritt.
Crawford.	Morgan
Davis.	of Robertson.
Dodd.	Perdue.
Downs.	Pinkston.
Driggers.	Rice.
Duffey.	Rowland.
Fields.	Sanford.
Finlay.	Stell.
Henderson	Stewart of Jasper.
of McLennan.	Stiernberg.
Howeth.	Storey.
Jennings.	Thompson.
Laird.	Wessels.
LeMaster.	Wilson.
Loftin.	

Present—Not Voting.

Young.

Absent.

Beasley.	Jones.
Bell.	Kemble.
Bobbitt.	McDonald.
Bonham.	McFarlane.
Carpenter	McKean.
of Dallas.	Maxwell.
Coffee.	Montgomery.
Collins.	Moore.
Culp.	Morgan
Dielmann.	of Liberty.
Dinkle.	Pate.
Dunn.	Patterson.
Durham.	Price.
Green.	Purl.
Greer.	Quaid.
Hardin of Erath.	Shearer.
Hardin	Strickland.
of Kaufman.	Teer.
Harrington.	Turner.
Houston.	Wallace.
Hughes.	Williamson.
Johnson.	Wilmans.

Absent—Excused.

Atkinson.	Lamb.
Blount.	Lusk.
Carter of Coke.	Merriman.

COMMITTEE TO ASCERTAIN
AMOUNT OF APPROPRIATIONS.

Mr. Satterwhite offered the following resolution:

Resolved, That the Speaker appoint a committee of three House members to act with a like committee of the Senate for the purpose of ascertaining the approximate amount of appropriations to be made and the approximate amount

of available revenues to meet such appropriations.

The resolution was read second time, and was adopted.

In accordance with the above action, the Speaker announced the appointment of the following committee:

Messrs. Satterwhite, Quaid and Patman.

MOTION TO TAKE UP SENATE BILL NO. 59.

Mr. Davenport moved to reconsider the vote by which the House refused to suspend the constitutional rule on Senate bill No. 59.

Question recurring on the motion to reconsider, yeas and nays were demanded.

The motion to reconsider was lost by the following vote:

Yeas—50.

Arnold.	Melson.
Barrett.	Morgan
Bell.	of Robertson.
Bobbitt.	Patman.
Burmeister.	Perdue.
Carpenter	Potter.
of Matagorda.	Price.
Carson.	Quinn.
Carter of Hays.	Robinson.
Chitwood.	Russell of Trinity.
Collins.	Sackett.
Cowen.	Shearer.
Davenport.	Shires.
DeBerry.	Sparkman.
Dodd.	Stell.
Driggers.	Stewart
Duffey.	of Edwards.
Dunn.	Stewart
Durham.	of Galveston.
Green.	Stiernberg.
Harris.	Stroder.
Hendricks.	Sweet.
Irwin.	Thrasher.
Kemble.	Wells.
Lackey.	Westbrook.
LeSturgeon.	Wilmons.
McDaniel.	Young.

Nays—55.

Abney.	Crawford.
Amsler.	Davis.
Avis.	Downs.
Baker of Milam.	Faubion.
Baker of Orange.	Fields.
Baldwin.	Finlay.
Barker.	Frnka.
Bonham.	Henderson
Bryant.	of Marion.
Cable.	Henderson
Carpenter	of McLennan.
of Dallas.	Howeth.
Covey.	Hull.

Jacks.	Purl.
Jennings.	Quaid.
Laird.	Rice.
Lane.	Rogers.
LeMaster.	Rowland.
Loftin.	Sanford.
Looney.	Simpson.
McBride.	Stevens.
McDonald.	Stewart of Jasper.
McNatt.	Storey.
Martin.	Vaughan.
Merritt.	Wallace.
Moore.	Wessels.
Pinkston.	Wilson.
Pool.	Winfree.
Pope.	

Present—Not Voting.

Bird.	Russell
Maxwell.	of Callahan.
Morgan of Liberty.	

Absent.

Beasley.	Jones.
Coffee.	Lewis.
Culp.	McFarlane.
Dielmann.	McKean.
Dinkle.	Mathes.
Dunlap.	Miller.
Edwards.	Montgomery.
Fugler.	Pate.
Gipson.	Patterson.
Greer.	Satterwhite.
Hardin of Erath.	Smith.
Hardin	Stewart of Reeves.
of Kaufman.	Strickland.
Harrington.	Teer.
Houston.	Thompson.
Hughes.	Turner.
Johnson.	Williamson.

Absent—Excused.

Atkinson.	Lamb.
Blount.	Lusk.
Carter of Coke.	Merriman.

SENATE BILL NO. 61 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 61, A bill to be entitled "An Act amending Articles 4521 and 4522 of the Revised Civil Statutes, relating to the State Board of Health and the State Health Department; providing for the State Board of Health to be composed of seven licensed physicians, which board shall have power to appoint the State Health Officer; prescribing the salary of the State Health Officer and the respective authority of the State Health Officer and the State Board of Health; prescribing the com-

compensation of the members of the State Board of Health, the State Health Officer and the heads of bureaus in the State Health Department; enacting provisions to improve the State Health Department, and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 65 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 65, A bill to be entitled "An Act amending the statutes relative to primary elections, by amending Article 3084 of the Revised Civil Statutes of the State of Texas of 1911, so as to authorize the nomination by parties casting not more than one hundred thousand votes for their nominee for Governor at the next preceding general election to nominate candidates from Texas for the United States Senate as is permitted by Articles 3159, 3160, 3161, 3162 and 3163 of the Revised Civil Statutes of the State of Texas of 1911."

The bill was read second time.

Mr. Shires offered the following amendment to the bill:

'Amend Senate bill No. 65 by striking out the enacting clause.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—85.

Abney.	Davis.
Amsler.	DeBerry.
Arnold.	Dodd.
Avis.	Downs.
Baker of Milam.	Driggers.
Baker of Orange.	Faubion.
Baldwin.	Fields.
Barker.	Gipson.
Barrett.	Green.
Bird.	Hardin of Erath.
Bobbitt.	Harrington.
Bonham.	Henderson
Burmeister.	of Marion.
Carpenter	Henderson
of Dallas.	of McLennan.
Carpenter	Howeth.
of Matagorda.	Hull.
Carson.	Jacks.
Carter of Hays.	Jennings.
Covey.	Kemble.
Cowen.	Laird.
Culp.	Lane.
Davenport.	LeMaster.

LeStourgeon.
Lewis.
Looney.
McBride.
McDonald.
McKean.
McNatt.
Melson.
Merritt.
Moore.
Perdue.
Pinkston.
Pope.
Potter.
Price.
Purl.
Quaid.
Quinn.
Rice.
Robinson.
Rogers.
Russell
of Callahan.

Russell of Trinity.
Sanford.
Shearer.
Shires.
Smith.
Sparkman.
Stell.
Stevens.
Stewart
of Edwards.
Stewart
of Galveston.
Stewart of Jasper.
Stroder.
Sweet.
Thompson.
Thrasher.
Wallace.
Wells.
Westbrook.
Wilmans.
Winfree.

Nays—25.

Bell.	Maxwell.
Chitwood.	Morgan
Crawford.	of Robertson.
Durham.	Pool.
Finlay.	Rowland.
Frnka.	Sackett.
Harris.	Simpson.
Hendricks.	Stewart of Reeves.
Lackey.	Stiernberg.
Loftin.	Vaughan.
McDaniel.	Wessels.
Martin.	Wilson.
Mathes.	Young.

Present—Not Voting.

Bryant.	Duffey.
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Absent.

Beasley.	Johnson.
Cable.	Jones.
Coffee.	McFarlane.
Collins.	Miller.
Dielmann.	Montgomery.
Dinkle.	Morgan
Dunlap.	of Liberty.
Dunn.	Pate.
Edwards.	Patman.
Fugler.	Patterson.
Greer.	Satterwhite.
Hardin	Storey.
of Kaufman.	Strickland.
Houston.	Teer.
Hughes.	Turner.
Irwin.	Williamson.

Absent—Excused.

Atkinson.	Lamb.
Blount.	Lusk.
Carter of Coke.	Merriman.

MOTION TO TAKE UP SENATE
BILL NO. 61.

Mr. Culp moved that the constitutional rule requiring bills to be read on three several days be suspended, and that Senate bill No. 61 be placed on its third reading and final passage.

The motion was lost by the following vote, not receiving the necessary four-fifths vote:

Yeas—80.

Mr. Speaker.	McBride.
Abney.	McDonald.
Amsler.	McKean.
Arnold.	Martin.
Baker of Milam.	Maxwell.
Baker of Orange.	Melson.
Barrett.	Miller.
Bell.	Moore.
Bird.	Morgan
Bobbitt.	of Robertson.
Bonham.	Patman.
Burmeister.	Pinkston.
Carpenter	Potter.
of Matagorda.	Purl.
Carson.	Quaid.
Carter of Hays.	Quinn.
Chitwood.	Rogers.
Covey.	Russell
Cowen.	of Callahan.
Culp.	Russell of Trinity.
DeBerry.	Sackett.
Dodd.	Sanford.
Downs.	Shearer.
Driggers.	Shires.
Duffey.	Simpson.
Dunn.	Smith.
Durham.	Sparkman.
Faubion.	Stell.
Frnka.	Stewart
Fugler.	of Edwards.
Green.	Stewart
Hardin of Erath.	of Galveston.
Harrington.	Stewart of Reeves.
Harris.	Stiernberg.
Hendricks.	Stroder.
Hull.	Sweet.
Irwin.	Thompson.
Jennings.	Thrasher.
Lackey.	Wells.
Lane.	Wilmans.
LeMaster.	Wilson.
Lewis.	Winfree.
Loftin.	

Nays—23.

Avis.	LeStourgeon.
Barker.	Looney.
Bryant.	McDaniel.
Crawford.	McNatt.
Davenport.	Mathes.
Davis.	Merritt.
Finlay.	Perdue.
Henderson	Pool.
of McLennan.	Rice.
Laird.	Rowland.

Stevens.	Storey.
Stewart of Jasper.	Wessels.

Present—Not Voting.

Fields.	Price.
Howeth.	Westbrook.
Jacks.	Young.

Absent.

Baldwin.	Johnson.
Beasley.	Jones.
Cable.	Kemble.
Carpenter	McFarlane.
of Dallas.	Montgomery.
Coffee.	Morgan
Collins.	of Liberty.
Dielmann.	Pate.
Dinkle.	Patterson.
Dunlap.	Pope.
Edwards.	Robinson.
Gipson.	Satterwhite.
Greer.	Strickland.
Hardin	Teer.
of Kaufman.	Turner.
Henderson	Vaughan.
of Marion.	Wallace.
Houston.	Williamson.
Hughes.	

Absent—Excused.

Atkinson.	Lamb.
Blount.	Lusk.
Carter of Coke.	Merriman.

SENATE BILL NO. 80 ON SECOND
READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 80, A bill to be entitled "An Act providing for additional compensation for the members of the Railroad Commission of Texas," etc.

The bill was read second time.

Question recurring on the passage of the bill to third reading, yeas and nays were demanded.

The bill failed to pass to third reading by the following vote:

Yeas—47.

Amsler.	Collins.
Arnold.	Culp.
Baker of Milam.	Gipson.
Baker of Orange.	Hardin of Erath.
Barrett.	Harrington.
Bell.	Hull.
Bobbitt.	Irwin.
Carpenter	Jacks.
of Dallas.	Jennings.
Carpenter	Lackey.
of Matagorda.	McKean.
Carter of Hays.	Mathes.
Chitwood.	Maxwell.

Moore.	Shearer.
Morgan	Shires.
of Robertson.	Smith.
Pinkston.	Sparkman.
Pool.	Stewart
Purl.	of Galveston.
Quinn.	Stewart of Reeves.
Robinson.	Stiernberg.
Rogers.	Thrasher.
Russell	Wells.
of Callahan.	Wilmans.
Russell of Trinity.	Winfree.
Sackett.	

Nays—53.

Abney.	McBride.
Avis.	McDaniel.
Barker.	McNatt.
Bonham.	Martin.
Bryant.	Melson.
Burmeister.	Merritt.
Cable.	Patman.
Carson.	Perdue.
Covey.	Pope.
Crawford.	Price.
Davis.	Rice.
DeBerry.	Rowland.
Dodd.	Sanford.
Downs.	Simpson.
Duffey.	Stell.
Durham.	Stevens.
Fields.	Stewart
Finlay.	of Edwards.
Harris.	Stewart of Jasper.
Henderson	Storey.
of McLennan.	Stroder.
Howeth.	Sweet.
Kemble.	Thompson.
Laird.	Wallace.
Lane.	Westbrook.
LeMaster.	Wessels.
LeSturgeon.	Wilson.
Looney.	Young.

Present—Not Voting.

Mr. Speaker.	Morgan
Bird.	of Liberty.
Hendricks.	

Absent.

Baldwin.	Henderson
Beasley.	of Marion.
Coffee.	Houston.
Cowen.	Hughes.
Davenport.	Johnson.
Dielmann.	Jones.
Dinkle.	Lewis.
Driggers.	Loftin.
Dunlap.	McDonald.
Dunn.	McFarlane.
Edwards.	Miller.
Faubion.	Montgomery.
Frnka.	Pate.
Fugler.	Patterson.
Green.	Potter.
Greer.	Quaid.
Hardin	Satterwhite.
of Kaufman.	Strickland.

Teer.	Vaughan.
Turner.	Williamson.

Absent—Excused.

Atkinson.	Lamb.
Blount.	Lusk.
Carter of Coke.	Merriman.

Mr. Pope moved to reconsider the vote by which the bill failed to pass to third reading, and to table the motion to reconsider.

The motion to table prevailed.

SENATE BILL NO. 74 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 74, A bill to be entitled "An Act abolishing special funds in the State Treasury set aside therein for special and particular purposes and placing all moneys that are in such funds in the general revenue fund so that all moneys shall be paid out on general warrants on an equal basis, payable as to order of payment according to serial number; prescribing how such warrants shall be numbered serially; providing that this act shall not apply to special funds created and provided for in the State Constitution which the Legislature cannot place or make applicable to the general revenue fund as herein provided for other special funds, nor to special funds consisting of taxes remitted or donated to counties, cities or localities; enacting the necessary provisions so that the general revenue fund will get the benefit of any such special funds now on hand to be collected, and declaring an emergency."

The bill was read second time.

Mr. Pope offered the following amendment to the bill:

Amend Senate bill No. 74 by striking out Section 5.

Mr. Shires moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—54.

Baker of Milam.	Carpenter
Baker of Orange.	of Matagorda.
Baldwin.	Carson.
Barrett.	Collins.
Beasley.	Covey.
Bell.	Davenport.
Bobbitt.	Davis.
Burmeister.	Downs.

Faubion.	Russell
Finlay.	of Callahan.
Gipson.	Russell of Trinity.
Hardin of Erath.	Sackett.
Harris.	Sanford.
Henderson	Shearer.
of Marion.	Shires.
Jennings.	Smith.
Kemble.	Sparkman.
Lackey.	Stevens.
Lane.	Stewart
LeMaster.	of Edwards.
LeStourgeon.	Stewart
Lewis.	of Galveston.
McDaniel.	Stewart of Jasper.
McKean.	Stewart of Reeves.
McNatt.	Stiernberg.
Martin.	Sweet.
Patman.	Teer.
Pinkston.	Thrasher.
Pool.	Wells.
Purl.	Winfree.

Nays—50.

Abney.	Laird.
Amsler.	Loftin.
Avis.	Looney.
Barker.	McBride.
Bird.	Maxwell.
Bonham.	Melson.
Bryant.	Miller.
Cable.	Morgan
Carpenter	of Robertson.
of Dallas.	Perdue.
Carter of Hays.	Pope.
Chitwood.	Quinn.
Coffee.	Rice.
Crawford.	Robinson.
DeBerry.	Rogers.
Dodd.	Rowland.
Driggers.	Satterwhite.
Duffey.	Simpson.
Dunlap.	Stell.
Durham.	Storey.
Fields.	Stroder.
Harrington.	Thompson.
Henderson	Wallace.
of McLennan.	Westbrook.
Howeth.	Wilson.
Hull.	Young.
Jacks.	

Present—Not Voting.

Hendricks.	Price.
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Absent.

Arnold.	Greer.
Cowen.	Hardin
Culp.	of Kaufman.
Dielmann.	Houston.
Dinkle.	Hughes.
Dunn.	Irwin.
Edwards.	Johnson.
Frnka.	Jones.
Fugler.	McDonald.
Green.	McFarlane.

Mathes.	Potter.
Merritt.	Quaid.
Montgomery.	Strickland.
Moore.	Turner.
Morgan	Vaughan.
of Liberty.	Wessels.
Pate.	Williamson.
Patterson.	Wilmans.

Absent—Excused.

Atkinson.	Lamb.
Blount.	Lusk.
Carter of Coke.	Merriman.

Senate bill No. 74 was then passed to third reading by the following vote:

Yeas—76.

Abney.	Looney.
Amsler.	McBride.
Arnold.	McDonald.
Avis.	McKean.
Baldwin.	McNatt.
Barker.	Martin.
Bell.	Miller.
Bird.	Moore.
Bonham.	Morgan
Bryant.	of Robertson.
Burmeister.	Patman.
Cable.	Perdue.
Carpenter	Pinkston.
of Dallas.	Pool.
Carpenter	Pope.
of Matagorda.	Purl.
Carson.	Quaid.
Chitwood.	Quinn.
Collins.	Rice.
Covey.	Robinson.
Crawford.	Rogers.
Davis.	Russell
DeBerry.	of Callahan.
Dodd.	Sackett.
Downs.	Sanford.
Faubion.	Shearer.
Fields.	Shires.
Finlay.	Simpson.
Frnka.	Sparkman.
Hardin of Erath.	Stevens.
Harrington.	Stewart of Jasper.
Harris.	Stiernberg.
Henderson	Stroder.
of Marion.	Sweet.
Henderson	Teer.
of McLennan.	Thompson.
Hull.	Westbrook.
Kemble.	Wessels.
Laird.	Wilson.
Lane.	Young.
Lewis.	

Nays—27.

Baker of Milam.	Driggers.
Baker of Orange.	Duffey.
Beasley.	Durham.
Bobbitt.	Hendricks.
Carter of Hays.	Howeth.

Jacks.	Russell of Trinity.
Lackey.	Satterwhite.
LeMaster.	Smith.
LeStourgeon.	Stell.
Loftin.	Stewart
McDaniel.	of Edwards.
Maxwell.	Stewart
Merritt.	of Galveston.
Pate.	Storey.
Rowland.	Thrasher.

Present—Not Voting.

Mr. Speaker. Price.

Absent.

Barrett.	Johnson.
Coffee.	Jones.
Cowen.	McFarlane.
Culp.	Mathes.
Davenport.	Melson.
Dielmann.	Montgomery.
Dinkle.	Morgan
Dunlap.	of Liberty.
Dunn.	Patterson.
Edwards.	Potter.
Fugler.	Stewart of Reeves.
Gipson.	Strickland.
Green.	Turner.
Greer.	Vaughan.
Hardin	Wallace.
of Kaufman.	Wells.
Houston.	Williamson.
Hughes.	Wilman.
Irwin.	Winfree.
Jennings.	

Absent—Excused.

Atkinson.	Lamb.
Blount.	Lusk.
Carter of Coke.	Merriman.

MOTION TO TAKE UP SENATE
BILL NO. 74.

Mr. Hembel moved that the constitutional rule requiring bills to be read on three several days be suspended, and that Senate bill No. 74 be placed on its third reading and final passage.

The motion was lost by the following vote, not receiving the necessary four-fifths vote:

Yeas—78.

Abney.	Cable.
Amis.	Carpenter
Arnold.	of Dallas.
Avis.	Carpenter
Baldwin.	of Matagorda.
Barker.	Carson.
Bell.	Carter of Hays.
Bird.	Chitwood.
Bonham.	Coffee.
Bryant.	Collins.
Burmeister.	Covey.

Crawford.	Perdue.
Culp.	Pinkston.
Davis.	Pool.
DeBerry.	Pope.
Dodd.	Potter.
Downs.	Price.
Duffey.	Purl.
Dunlap.	Quaid.
Fields.	Quinn.
Frnka.	Rice.
Gipson.	Robinson.
Hardin of Erath.	Rogers.
Harrington.	Russell
Henderson	of Callahan.
of Marion.	Sackett.
Henderson	Sanford.
of McLennan.	Shearer.
Hull.	Shires.
Jacks.	Simpson.
Jennings.	Sparkman.
Kemble.	Stevens.
Laird.	Stewart
Lane.	of Galveston.
Lewis.	Stewart of Jasper.
Looney.	Sweet.
McNatt.	Teer.
Martin.	Thompson.
Miller.	Wells.
Moore.	Wessels.
Morgan	Wilson.
of Robertson.	Young.

Nays—23.

Baker of Milam.	Merritt.
Baker of Orange.	Pate.
Bobbitt.	Rowland.
Driggers.	Russell of Trinity.
Finlay.	Satterwhite.
Howeth.	Smith.
Lackey.	Stell.
LeMaster.	Storey.
LeStourgeon.	Thrasher.
Loftin.	Westbrook.
McDaniel.	Winfree.
Maxwell.	

Absent.

Barrett.	Irwin.
Beasley.	Johnson.
Cowen.	Jones.
Davenport.	McBride.
Dielmann.	McDonald.
Dinkle.	McFarlane.
Dunn.	McKean.
Durham.	Mathes.
Edwards.	Melson.
Faubion.	Montgomery.
Fugler.	Morgan
Green.	of Liberty.
Greer.	Patman.
Hardin	Patterson.
of Kaufman.	Stewart
Harris.	of Edwards.
Hendricks.	Stewart of Reeves.
Houston.	Stiernberg.
Hughes.	Strickland.

Stroder.	Wallace.
Turner.	Williamson.
Vaughan.	Wilmans.

Absent—Excused.

Atkinson.	Lamb.
Blount.	Lusk.
Carter of Coke.	Merriman.

SENATE BILL NO. 83 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 83, A bill to be entitled "An Act creating the Parks Independent School District in Stephens county, Texas; defining its boundaries; providing for a board of trustees in said district, conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws upon independent school districts and the boards of trustees thereof; providing that the management and control of the public free schools of said district shall be vested in a board of trustees composed of seven persons, and providing for the election and qualification of said trustees; providing for the appointment of a tax assessor and collector and board of equalization for said district, and declaring an emergency."

The bill was read third time, and was passed by the following vote:

Yeas—102.

Mr. Speaker.	Davis.
Abney.	DeBerry.
Amsler.	Dodd.
Arnold.	Downs.
Avis.	Driggers.
Baker of Milam.	Duffey.
Baker of Orange.	Dunlap.
Baldwin.	Durham.
Barker.	Fields.
Beasley.	Finlay.
Bell.	Frnka.
Bird.	Green.
Bobbitt.	Greer.
Bryant.	Harrington.
Burmeister.	Harris.
Cable.	Henderson
Carpenter	of Marion.
of Dallas.	Henderson
Carpenter	of McLennan.
of Matagorda.	Hull.
Carson.	Jacks.
Carter of Hays.	Jennings.
Chitwood.	Kemble.
Collins.	Lackey.
Covey.	Laird.
Crawford.	Lane.
Culp.	LeMaster.

LeStourgeon.	Rowland.
Lewis.	Russell
Looney.	of Callahan.
McBride.	Russell of Trinity.
McDaniel.	Sackett.
McKean.	Sanford.
McNatt.	Satterwhite.
Martin.	Shearer.
Maxwell.	Shires.
Merritt.	Simpson.
Miller.	Sparkman.
Moore.	Stell.
Morgan	Stevens.
of Liberty.	Stewart
Morgan	of Edwards.
of Robertson.	Stewart
Pate.	of Galveston.
Patman.	Stewart of Jasper.
Perdue.	Stiernberg.
Pinkston.	Storey.
Pope.	Stroder.
Potter.	Sweet.
Purl.	Thompson.
Quaid.	Wells.
Quinn.	Westbrook.
Rice.	Wessels.
Robinson.	Wilson.
Rogers.	Young.

Absent.

Barrett.	Jones.
Bonham.	Loftin.
Coffee.	McDonald.
Cowen.	McFarlane.
Davenport.	Mathes.
Dielmann.	Melson.
Dinkle.	Montgomery.
Dunn.	Patterson.
Edwards.	Pool.
Faubion.	Price.
Fugler.	Smith.
Gipson.	Stewart of Reeves.
Hardin of Erath.	Strickland.
Hardin	Teer.
of Kaufman.	Thrasher.
Hendricks.	Turner.
Houston.	Vaughan.
Howeth.	Wallace.
Hughes.	Williamson.
Irwin.	Wilmans.
Johnson.	Winfree.

Absent—Excused.

Atkinson.	Lamb.
Blount.	Lusk.
Carter of Coke.	Merriman.

SENATE BILL NO. 109 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 109, Creating the Canton Independent School District.

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 109 ON THIRD
READING.

Mr. Culp moved that the constitutional rule requiring bills to be read on three several days be suspended, and that Senate bill No. 109 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—105.

Mr. Speaker.	LeMaster.
Abney.	LeStourgeon.
Amsler.	Lewis.
Arnold.	Looney.
Avis.	McBride.
Baker of Milam.	McDaniel.
Baker of Orange.	McKean.
Baldwin.	McNatt.
Barker.	Martin.
Beasley.	Maxwell.
Bell.	Miller.
Bird.	Moore.
Bobbitt.	Morgan
Bonham.	of Liberty.
Bryant.	Morgan
Burmeister.	of Robertson.
Cable.	Patman.
Carpenter	Perdue.
of Dallas.	Pinkston.
Carpenter	Pope.
of Matagorda.	Potter.
Carson.	Purl.
Carter of Hays.	Quaid.
Chitwood.	Quinn.
Collins.	Rice.
Covey.	Robinson.
Crawford.	Rogers.
Culp.	Rowland.
Davis.	Russell
DeBerry.	of Callahan.
Dodd.	Russell of Trinity.
Downs.	Sackett.
Driggers.	Sanford.
Duffey.	Satterwhite.
Dunlap.	Shearer.
Durham.	Simpson.
Faubion.	Smith.
Fields.	Sparkman.
Finlay.	Stell.
Frnka.	Stewart
Green.	of Edwards.
Greer.	Stewart
Hardin of Erath.	of Galveston.
Harrington.	Stewart of Jasper.
Harris.	Stewart of Reeves.
Henderson	Stiernberg.
of Marion.	Storey.
Henderson	Stroder.
of McLennan.	Sweet.
Hull.	Teer.
Jacks.	Thompson.
Jennings.	Thrasher.
Kemble.	Wells.
Lackey.	Westbrook.
Laird.	Wessels.

Wilson.
Winfree.

Young.

Absent.

Barrett.	Loftin.
Coffee.	McDonald.
Cowen.	McFarlane.
Davenport.	Mathes.
Dielmann.	Melson.
Dinkle.	Merritt.
Dunn.	Montgomery.
Edwards.	Pate.
Fugler.	Patterson.
Gipson.	Pool.
Hardin	Price.
of Kaufman.	Shires.
Hendricks.	Stevens.
Houston.	Strickland.
Howeth.	Turner.
Hughes.	Vaughan.
Irwin.	Wallace.
Johnson.	Williamson.
Jones.	Wilmans.
Lane.	

Absent—Excused.

Atkinson.	Lamb.
Blount.	Lusk.
Carter of Coke.	Merriman.

The Speaker then laid Senate bill No. 109 before the House on its third reading and final passage.

The bill was read third time.

On motion of Mr. Pate, the bill was laid on the table subject to call.

SENATE BILL NO. 74 ON THIRD
READING.

Mr. Winfree moved that the constitutional rule requiring bills to be read on three several days be suspended, and that Senate bill No. 74 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—87.

Abney.	Carson.
Amsler.	Carter of Hays.
Arnold.	Chitwood.
Avis.	Coffee.
Baker of Milam.	Covey.
Baker of Orange.	Crawford.
Baldwin.	Culp.
Barker.	DeBerry.
Beasley.	Dodd.
Bird.	Downs.
Bobbitt.	Driggers.
Bonham.	Duffey.
Burmeister.	Dunlap.
Cable.	Durham.
Carpenter	Fields.
of Dallas.	Frnka.
Carpenter	Fugler.
of Matagorda.	Gipson.

Green.	Perdue.
Hardin of Erath.	Pinkston.
Harrington.	Pope.
Harris.	Potter.
Henderson	Purl.
of Marion.	Quaid.
Henderson	Quinn.
of McLennan.	Rice.
Howeth.	Robinson.
Hull.	Rogers.
Irwin.	Rowland.
Jennings.	Russell
Johnson.	of Callahan.
Kemble.	Russell of Trinity.
Laird.	Sackett.
Lane.	Shires.
Looney.	Simpson.
McBride.	Sparkman.
McDaniel.	Stevens.
McDonald.	Stiernberg.
McNatt.	Storey.
Melson.	Sweet.
Miller.	Teer.
Moore.	Thompson.
Morgan	Wessels.
of Liberty.	Wilson.
Morgan	Winfree.
of Robertson.	Young.
Pate.	

Nays—19.

Davis.	Satterwhite.
Finlay.	Smith.
Greer.	Stell.
Lackey.	Stewart
LeMaster.	of Galveston.
LeStourgeon.	Stewart of Jasper.
Martin.	Stewart of Reeves.
Merritt.	Stroder.
Pool.	Thrasher.
Sanford.	Westbrook.

Present—Not Voting.

Collins.

Absent.

Barrett.	McFarlane.
Bell.	McKean.
Bryant.	Mathes.
Cowen.	Maxwell.
Davenport.	Montgomery.
Dielmann.	Patman.
Dinkle.	Patterson.
Dunn.	Price.
Edwards.	Shearer.
Faubion.	Stewart
Hardin	of Edwards.
of Kaufman.	Strickland.
Hendricks.	Turner.
Houston.	Vaughan.
Hughes.	Wallace.
Jacks.	Wells.
Jones.	Williamson.
Lewis.	Wilmons.
Loftin.	

Absent—Excused.

Atkinson.	Lamb.
Blount.	Lusk.
Carter of Coke.	Merriman.

The Speaker then laid Senate bill No. 74 before the House and its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—102.

Abney.	Lane.
Amsler.	LeMaster.
Arnold.	Lewis.
Avis.	Looney.
Baker of Milam.	McBride.
Baker of Orange.	McDaniel.
Barker.	McDonald.
Beasley.	McKean.
Bird.	McNatt.
Bobbitt.	Martir.
Bonham.	Maxwell.
Bryant.	Melson.
Burmeister.	Merritt.
Cable.	Miller.
Carpenter	Moore.
of Dallas.	Morgan
Carpenter	of Liberty.
of Matagorda.	Morgan
Carson.	of Robertson.
Carter of Hays.	Pate.
Chitwood.	Patman.
Coffee.	Perdue.
Collins.	Pinkston.
Covey.	Pope.
Crawford.	Potter.
Culp.	Price.
DeBerry.	Purl.
Dodd.	Quaid.
Downs.	Quinn.
Driggers.	Rice.
Duffey.	Robinson.
Dunlap.	Rogers.
Durham.	Rowland.
Fields.	Russell
Finlay.	of Callahan.
Frnka.	Sackett.
Gipson.	Sanford.
Green.	Shearer.
Greer.	Shires.
Hardin of Erath.	Simpson.
Harrington.	Sparkman.
Harris.	Stell.
Henderson	Stevens.
of Marion.	Stewart
Henderson	of Galveston.
of McLennan.	Stiernberg.
Howeth.	Storey.
Hull.	Stroder.
Jacks.	Sweet.
Jennings.	Thompson.
Kemble.	Wallace.
Laird.	Wells.

Westbrook.
Wessels.
Wilson.

Winfree.
Young.

Nays—12.

Davis.
Faubion.
Fugler.
Lackey.
LeStourgeon.
Pool.

Russell of Trinity.
Smith.
Stewart of Jasper.
Stewart of Reeves.
Teer.
Thrasher.

Absent.

Baldwin.
Barrett.
Bell.
Cowen.
Davenport.
Dielmann.
Dinkle.
Dunn.
Edwards.
Hardin
of Kaufman.
Hendricks.
Houston.
Hughes.
Irwin.

Johnson.
Jones.
Loftin.
McFarlane.
Mathes.
Montgomery.
Patterson.
Satterwhite.
Stewart
of Edwards.
Strickland.
Turner.
Vaughan.
Williamson.
Wilmans.

Absent—Excused.

Atkinson.
Blount.
Carter of Coke.

Lamb.
Lusk.
Merriman.

Mr. Shires moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

SENATE BILL NO. 111 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage, S. B. No. 111, Relating to certain district courts in Grayson county.

The bill was read third time, and was passed by the following vote:

Yeas—104.

Mr. Speaker.
Abney.
Amsler.
Arnold.
Avis.
Baker of Milam.
Baker of Orange.
Barker.
Beasley.
Bird.
Bobbitt.
Bonham.
Bryant.
Burmeister.
Cable.

Carpenter
of Dallas.
Carpenter
of Matagorda.
Carson.
Chitwood.
Coffee.
Collins.
Covey.
Crawford.
Culp.
Davis.
DeBerry.
Dodd.
Downs.

Driggers.
Duffey.
Dunlap.
Durham.
Faubion.
Fields.
Finlay.
Frnka.
Fugler.
Green.
Greer.
Harrington.
Harris.
Henderson
of Marion.
Henderson
of McLennan.
Hendricks.
Howeth.
Hull.
Irwin.
Jacks.
Jennings.
Lackey.
Laird.
Lane.
LeMaster.
LeStourgeon.
Lewis.
Looney.
McBride.
McDaniel.
McNatt.
Martin.
Maxwell.
Melson.
Merritt.
Miller.
Moore.
Morgan
of Liberty.

Morgan
of Robertson.
Pate.
Patman.
Perdue.
Pinkston.
Pool.
Potter.
Price.
Quinn.
Rice.
Robinson.
Rogers.
Rowland.
Russell
of Callahan.
Sackett.
Sanford.
Satterwhite.
Shearer.
Shires.
Simpson.
Sparkman.
Stell.
Stewart
of Galveston.
Stewart of Jasper.
Stewart of Reeves.
Stiernberg.
Storey.
Stroder.
Teer.
Thompson.
Wallace.
Wells.
Westbrook.
Wessels.
Wilson.
Winfree.
Young.

Nays—1.

Russell of Trinity.

Present—Not Voting.

Carter of Hays.

Absent.

Baldwin.
Barrett.
Bell.
Cowen.
Davenport.
Dielmann.
Dinkle.
Dunn.
Edwards.
Gipson.
Hardin of Erath.
Hardin
of Kaufman.
Houston.
Hughes.
Johnson.
Jones.

Kemble.
Loftin.
McDonald.
McFarlane.
McKean.
Mathes.
Montgomery.
Patterson.
Pope.
Purl.
Quaid.
Smith.
Stevens.
Stewart
of Edwards.
Strickland.
Sweet.

Thrasher.	Williamson.
Turner.	Wilmans.
Vaughan.	

Absent—Excused.

Atkinson.	Lamb.
Blount.	Lusk.
Carter of Coke.	Merriman.

HOUSE BILL NO. 30 ON THIRD READING.

The Speaker laid before the House on its third reading and final passage,

H. B. No. 30, A bill to be entitled "An Act to repeal Article 7383a as enacted by the Thirty-eighth Legislature, relating to occupation taxes based upon gross receipts, and adding in lieu thereof a new Article 7383a, providing an occupation tax on sulphur produced in the State of Texas by individuals, companies, corporations and associations; and reviving Article 7383a, providing that in the event of either or a part of article be held unconstitutional by the courts shall not invalidate the remainder of said article, and declaring an emergency."

The bill was read third time.

Mr. Quinn offered the following amendment to the bill:

Amend House bill No. 30 as amended by striking out the words and figures "three (3) per cent" wherever they appear in bill and insert in lieu thereof the words and figures "two (2) per cent" in each place.

The amendment was adopted.

House bill No. 30 was then finally passed by the following vote:

Yeas—102.

Mr. Speaker.	Chitwood.
Abney.	Covey.
Amsler.	Crawford.
Arnold.	Culp.
Avis.	Davenport.
Baker of Orange.	Davis.
Barker.	DeBerry.
Barrett.	Dodd.
Beasley.	Downs.
Bird.	Driggers.
Bonham.	Duffey.
Bryant.	Dunlap.
Burmeister.	Dunn.
Cable.	Durham.
Carpenter	Faubion.
of Dallas.	Finlay.
Carpenter	Frnka.
of Matagorda.	Fugler.
Carson.	Gipson.
Carter of Hays.	Green.

Greer.	Pope.
Harrington.	Potter.
Harris.	Price.
Hendricks.	Purl.
Howeth.	Quinn.
Irwin.	Rice.
Jacks.	Rogers.
Jennings.	Rowland.
Kemble.	Russell
Lackey.	of Callahan.
Laird.	Russell of Trinity.
Lane.	Sackett.
LeMaster.	Sanford.
LeSturgeon.	Satterwhite.
Lewis.	Shearer.
Loftin.	Shires.
Looney.	Simpson.
McBride.	Sparkman.
McDaniel.	Stevens.
McDonald.	Stewart
McKean.	of Galveston.
McNatt.	Stewart of Jasper.
Martin.	Stewart of Reeves.
Mathes.	Stiernberg.
Melson.	Storey.
Miller.	Sweet.
Moore.	Thompson.
Morgan	Wallace.
of Liberty.	Wells.
Pate.	Wessels.
Patman.	Wilmans.
Perdue.	Wilson.
Pinkston.	Young.
Pool.	

Nays—5.

Fields.	Smith.
Maxwell.	Stell.
Patterson.	

Absent.

Baker of Milam.	Johnson.
Baldwin.	Jones.
Bell.	McFarlane.
Bobbitt.	Merritt.
Coffee.	Montgomery.
Collins.	Morgan
Cowen.	of Robertson.
Dielmann.	Quaid.
Dinkle.	Robinson.
Edwards.	Stewart
Hardin of Erath.	of Edwards.
Hardin	Strickland.
of Kaufman.	Stroder.
Henderson	Teer.
of Marion.	Thrasher.
Henderson	Turner.
of McLennan.	Vaughan.
Houston.	Westbrook.
Hughes.	Williamson.
Hull.	Winfree.

Absent—Excused.

Atkinson.	Lamb.
Blount.	Lusk.
Carter of Coke.	Merriman.

HOUSE BILL NO. 44 ON THIRD
READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 44, A bill to be entitled "An Act to establish and maintain a State School of Correspondence at Austin, Texas; to provide for all courses of study by correspondence that supply the needs of Texas people; to provide for the appointment of an executive board for same and prescribe their duties; to provide for the appointment of members of the faculty, prescribe their duties, and provide for the salaries of members of the faculty, and declaring an emergency."

The bill was read third time, and was passed.

HOUSE BILL NO. 66 ON THIRD
READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 66, A bill to be entitled "An Act regulating the lighting of motor vehicles."

The bill was read third time, and was passed.

HOUSE BILL NO. 110 ON THIRD
READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 110, A bill to be entitled "An Act to regulate the packing and the marking of packages and containers; requiring the net quantity of the contents of such package or containers to be plainly and conspicuously marked on the outside of package or container; defining the term 'container'; giving authority to the State Superintendent of Weights and Measures to supervise the enforcement of this act; providing for penalties for the enforcement of the act; repealing Section 8, Chapter 130, Acts of the Regular Session of the Thirty-sixth Legislature and all laws in conflict and declaring an emergency."

The bill was read third time, and was passed by the following vote:

Yeas—93.

Mr. Speaker.	Baker of Orange.
Abney.	Baldwin.
Amaler.	Barrett.
Arnold.	Bell.
Avis.	Bird.
Baker of Milam.	Bryant.

Burmeister.	McDaniel.
Cable.	McKean.
Carpenter	Martin.
of Dallas.	Melson.
Carpenter	Morgan
of Matagorda.	of Liberty.
Carson.	Patman.
Carter of Hays.	Perdue.
Chitwood.	Pinkston.
Covey.	Pool.
Crawford.	Pope.
Culp.	Potter.
Davenport.	Price.
Davis.	Rice.
DeBerry.	Rogers.
Dodd.	Russell
Downs.	of Callahan.
Driggers.	Russell of Trinity.
Duffey.	Sackett.
Dunlap.	Sanford.
Durham.	Shearer.
Faubion.	Simpson.
Fields.	Smith.
Finlay.	Sparkman.
Frnka.	Stell.
Fugler.	Stewart
Gipson.	of Edwards.
Greer.	Stewart
Hardin of Erath.	of Galveston.
Harrington.	Stewart of Jasper.
Henderson	Stewart of Reeves.
of Marion.	Stiernberg.
Howeth.	Stroder.
Irwin.	Sweet.
Jacks.	Teer.
Lackey.	Thompson.
Laird.	Thrasher.
Lane.	Wallace.
LeMaster.	Wells.
LeSturgeon.	Westbrook.
Lewis.	Wilmons.
Looney.	Wilson.
McBride.	Young.

Nays—12.

Barker.	Pate.
Beasley.	Purl.
Jennings.	Shires.
Kemble.	Stevens.
Mathes.	Storey.
Maxwell.	Wessels.

Absent.

Bobbitt.	Henderson
Bonham.	of McLennan.
Coffee.	Hendricks.
Collins.	Houston.
Cowen.	Hughes.
Dielmann.	Hull.
Dinkle.	Johnson.
Dunn.	Jones.
Edwards.	Loftin.
Green.	McDonald.
Hardin	McFarlane.
of Kaufman.	McNatt.
Harris.	Merritt.

Miller.	Robinson.
Montgomery.	Rowland.
Moore.	Satterwhite.
Morgan	Strickland.
of Robertson.	Turner.
Patterson.	Vaughan.
Quaid.	Williamson.
Quinn.	Winfree.

Absent—Excused.

Atkinson.	Lamb.
Blount.	Lusk.
Carter of Coke.	Merriman.

MOTION TO TAKE UP SENATE BILL NO. 61.

Mr. Rice moved to reconsider the vote by which the House refused to suspend the constitutional rule on Senate bill No. 61.

The motion to reconsider prevailed.

Question—Shall the constitutional rule be suspended?

The Clerk was directed to call the roll, and the motion to suspend was lost by the following vote:

Yeas—92.

Mr. Speaker.	Henderson
Amsler.	of Marion.
Arnold.	Hendricks.
Baker of Milam.	Irwin.
Baker of Orange.	Jacks.
Baldwin.	Jennings.
Beasley.	Johnson.
Bell.	Kemble.
Bird.	Lackey.
Bobbitt.	Lane.
Bonham.	LeMaster.
Burmeister.	Lewis.
Carpenter	Loftin.
of Dallas.	McBride.
Carpenter	McDonald.
of Matagorda.	McKean.
Carson.	Martin.
Carter of Hays.	Mathes.
Chitwood.	Maxwell.
Covey.	Melson.
Crawford.	Miller.
Culp.	Moore.
DeBerry.	Morgan
Dinkle.	of Liberty.
Dodd.	Morgan
Driggers.	of Robertson.
Dunlap.	Patman.
Dunn.	Patterson.
Durham.	Pope.
Faubion.	Price.
Gipson.	Purl.
Green.	Quaid.
Greer.	Quinn.
Hardin of Erath.	Rice.
Harrington.	Rogers.
Harris.	

Russell	Stewart of Reeves.
of Callahan.	Stiernberg.
Russell of Trinity.	Sweet.
Sackett.	Teer.
Sanford.	Thompson.
Satterwhite.	Thrasher.
Shearer.	Vaughan.
Shires.	Wallace.
Simpson.	Wells.
Sparkman.	Wilmans.
Stewart	Wilson.
of Galveston.	Winfree.
Stewart of Jasper.	Young.

Nays—28.

Avis.	LeSturgeon.
Barker.	McDaniel.
Barrett.	McNatt.
Bryant.	Pate.
Cable.	Perdue.
Davenport.	Pool.
Davis.	Potter.
Downs.	Rowland.
Duffey.	Stell.
Fields.	Stevens.
Finlay.	Storey.
Henderson	Stroder.
of McLennan.	Westbrook.
Howeth.	Wessels.
Laird.	

Present—Not Voting.

Abney.

Absent.

Coffee.	Looney.
Collins.	McFarlane.
Cowen.	Merritt.
Dielmann.	Montgomery.
Edwards.	Pinkston.
Frnka.	Robinson.
Fugler.	Smith.
Hardin	Stewart
of Kaufman.	of Edwards.
Houston.	Strickland.
Hughes.	Turner.
Hull.	Williamson.
Jones.	

Absent—Excused.

Atkinson.	Lamb.
Blount.	Lusk.
Carter of Coke.	Merriman.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, May 14, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 76, A bill to be entitled
"An Act providing for the organization

of pools and pooling organizations by banking and other corporations and co-operative associations composed of persons engaged in producing, or producing and marketing staple agricultural products, or live stock, or both; providing for their co-operation with the Federal law affecting loans for agricultural and live stock purposes; providing for the borrowing of money by such pooling organizations upon bonded warehouse receipts and live stock mortgages; limiting the interest rate that may be charged; providing for margins; prescribing the maximum term of such liens; fixing limitations on the amount that may be loaned by such pooling organizations; providing for the use and ownership of bonded warehouses, and providing a plan of marketing the products; requiring bond of such organizations to be approved by the commissioners court of the county where organized, and filed with the Commissioner of Markets and Warehouses; requiring quarterly reports to the Commissioner of Markets and Warehouses, and prescribing penalties for the violation of this act."

H. B. No. 87, A bill to be entitled "An Act to amend House bill No. 528 of the Local and Special Laws of the Legislature, Regular Session, creating the Megargel Independent County Line School District so as to add additional territory to the Megargel Independent County Line School District, and giving the board of trustees of that district the authority to increase the area of the district, and declaring an emergency."

H. B. No. 136, A bill to be entitled "An Act amending Section 1 of Chapter 26, Local and Special Laws of the Thirty-seventh Legislature, passed at its First Called Session, redefining the boundaries of Sheffield Independent School District in Pecos county, Texas, and declaring an emergency."

H. B. No. 148, A bill to be entitled "An Act creating the Darrrouzett Independent School District in Lipscomb county; defining its boundaries to be the same as of Common School District No. 20; providing for a board of trustees for said district; conferring upon said district and its board of trustees all the rights, powers, privileges, and duties now conferred and imposed by the general laws of Texas upon independent school districts and the boards of trustees thereof; providing that the present board of trustees of said Common School District No. 20 shall con-

tinue in office until the next regular election, as provided for under the general laws, or until their successors are elected and qualified; declaring the maintenance tax and the bond tax heretofore authorized in said Common School District No. 20 to be valid and binding upon said independent school district; providing for an assessor and collector of taxes for said district, and fixing his powers, duties, bond and compensation; providing for the levying, assessing and collecting of taxes for the current year, and annually thereafter; providing that all bonds, obligations, contracts and indebtedness legally existing against Common School District No. 20 are imposed upon the Darrrouzett Independent School District; providing for the collection of taxes by the county tax assessor and collector; applying the general laws when a matter is not expressly provided for by this act, and declaring an emergency."

H. B. No. 154, A bill to be entitled "An Act to amend Section 3 of House bill No. 565, enacted by the Thirty-eighth Legislature at the Regular Session, being 'An Act to reorganize the Thirtieth and Sixteenth Judicial Districts, and to create the Ninety-second Judicial District,' etc., so as to revise the time and dates of holding the terms of court provided for in the counties of Cooke and Denton, comprising the Sixteenth Judicial District, said Section 3, of said act, hereafter to read as set out below; providing that all process and writs heretofore issued, and all recognizances and bonds heretofore made and executed and returnable to existing terms of the district courts in the counties composing said district, together with jurors heretofore selected are valid and returnable to the first term of such court after this act takes effect, and providing for the continuation of the existing district courts in said counties in session when this act takes effect to the ends of their terms; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 157, A bill to be entitled "An Act creating the Adams Independent School District in San Patricio county, Texas; defining its boundaries, providing for the election of a board of trustees to manage and control the public free schools within said district, vesting said district with all the powers, rights and duties of independent school districts created for free school

purposes only; providing for the assumption by said district of all existing indebtedness of the territory embraced within the said district hereby created, and declaring an emergency."

H. B. No. 160, A bill to be entitled "An Act to repeal an act passed at the Regular Session of the Thirty-eighth Legislature, being House bill No. 578, Chapter 46, of the Special Laws of the Thirty-eighth Legislature of the State of Texas, entitled 'An Act to amend an act passed at the Regular Session of the Thirtieth Legislature, known as House bill No. 470, and approved April 4, 1907, entitled "An Act creating an independent school district, to be known as the Coleman Independent School District, including within its limits the municipal corporation of the town of Coleman, and to provide for the creation of a board of trustees thereof, and authorizing the board of trustees to levy, assess and collect special taxes, and conferring upon the board of trustees plenary powers and authority to issue bonds for the purpose of purchasing school sites and erecting, furnishing and equipping school buildings within the same, and to pay current expenses in the maintenance and support of said schools, and further prescribing the duties and authorities of said board," so as to hereafter read as follows, and extending and defining its boundaries, and including within its limits the municipal corporation of the city of Coleman, and to provide for the creating of a board of trustees thereof, and to authorize the board of trustees to levy, assess and collect special taxes, and providing authority to issue bonds for the purpose of purchasing school sites, and erecting, furnishing and equipping school buildings within the same, and to levy a tax therefor and to pay all current expenses for the maintenance and support of said school, declaring valid all issues of bonds heretofore voted, and repealing all laws in conflict herewith in so far as they conflict with this act, and declaring an emergency,' reviving former laws, and declaring an emergency."

H. B. No. 161, A bill to be entitled "An Act to amend Section 1 of House bill No. 115, enacted by the Third Called Session of the Thirty-sixth Legislature, approved June 17, 1920, amending and revising the metes and bounds of the Miami Independent School District in Roberts county, adding additional territory thereto, and exempting same

from present outstanding bonded indebtedness of said Miami Independent School District, continuing the present trustees in office, validating levies of taxes heretofore made, and declaring an emergency."

H. B. No. 176, A bill to be entitled "An Act to create the Truscott Independent School District in Knox county, Texas, including the Truscott Independent School District, as created by the Thirty-sixth Legislature, Regular Session; providing a board of trustees therefor; vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the general laws of Texas; providing that the board of trustees of the existing school in said district shall continue to act as such until their successors are elected in accordance with the provisions of this act and the general laws of Texas, and declaring an emergency."

H. B. No. 225, A bill to be entitled "An Act amending House bill No. 474, passed at the Regular Session of the Thirty-eighth Legislature so as to add to Hulver Common School District No. 5, in Hall county, Section No. — of Block 'A' of A., B. & M. lands, detaching the said section from Estelline Independent School District in Hall county, and providing that the adjustment of said school districts and their finances and taxes unto such transfer shall be included in the election provided for in said act of the Thirty-eighth Legislature, and declaring an emergency."

H. B. No. 233, A bill to be entitled "An Act to create the Double Horn Independent School District in Burnet county, including the present Double Horn District No. 32 of the said county; providing a board of trustees therefor; vesting said independent district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the general laws of Texas; providing that the board of trustees of the present Double Horn District No. 32 shall continue to act as such until their successors are elected in accordance with the general laws of Texas, and declaring an emergency."

H. B. No. 237, A bill to be entitled "An Act to amend Chapter 12, Acts Thirty-seventh Legislature, First Called Session, 1921, same being an act entitled

'An Act creating the Jacksonville Independent School District in Cherokee county, by amending Section 1 thereof, redefining the boundaries of said district; continuing the present board of trustees in office; validating all tax levies heretofore made,' and declaring an emergency.'

H. B. No. 239, A bill to be entitled "An Act to create the Comstock Independent School District in Val Verde county, Texas; providing a board of trustees; vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the general laws of Texas for school purposes only, and declaring an emergency."

H. B. No. 240, A bill to be entitled "An Act to amend Chapter 38 of the Special Laws passed by the Regular Session of the Thirty-eighth Legislature, the same being an act to create the Barksdale Independent School District in Edwards and Real counties, Texas; providing a board of trustees therefor; vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the general laws of Texas; providing that the board of trustees of the existing school in said district shall continue to act as such until their successors are elected in accordance with the general laws of Texas, and declaring an emergency," with amendments.

H. B. No. 244, A bill to be entitled "An Act creating Ricardo Independent School District No. 1 in Kleberg county, Texas; defining its boundaries; providing for a board of trustees to manage and control the public free schools within said district; divesting the Ricardo Independent School District No. 1 as heretofore existing and Common School District No. 8 in Kleberg county, Texas, of the control of the public free schools within the territory included within Ricardo Independent School District No. 1, as herein created, and divesting the said Ricardo Independent School District No. 1 as heretofore existing, and the said Common School District No. 8 of the title to all property now held and used for public free school purposes, and vesting the title to all said property in the board of trustees of Ricardo Independent School District No. 1, as herein created; con-

ferring upon the board of trustees of Ricardo Independent School District No. 1, as herein created all the powers, privileges and duties conferred upon the trustees of independent school districts created under the general laws; providing that the board of trustees of Ricardo Independent School District No. 1 as heretofore existing, shall constitute the board of trustees of Ricardo Independent School District No. 1 as herein created; validating all bonds or other evidences of indebtedness heretofore issued on behalf of Ricardo Independent School District No. 1 as heretofore existing, and all taxes heretofore levied on behalf of said district, and declaring an emergency."

H. B. No. 141, A bill to be entitled "An Act authorizing and empowering the city of Perryton, in Ochiltree county, Texas; to close certain streets; to narrow and reduce in width certain other streets; to, by ordinance, make provision for settlement and adjustment of property rights with owners of property adjacent to and affected by said changes, and validating all ordinances by said city heretofore passed in connection herewith."

H. B. No. 172, A bill to be entitled "An Act creating the Parks Independent School District in Stephens county, Texas; defining its boundaries; providing for a board of trustees in said district, conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws upon independent school districts and the boards of trustees thereof; providing that the management and control of the public free schools of said district shall be vested in a board of trustees composed of seven persons and providing for the election and qualification of said trustees; providing for the appointment of a tax assessor and collector and board of equalization for said district, and declaring an emergency."

H. B. No. 188, A bill to be entitled "An Act creating the Whiteflat Independent School District in Motley county, Texas; defining the boundaries thereof; vesting the management thereof in a board of seven trustees; providing for their election and for the organization of the board; vesting said district with all the rights, powers, privileges and duties of a town or village incorporated under the laws of the State for free school purposes only; vesting

the board of trustees with the rights, powers, privileges and duties conferred and imposed by the general laws of this State upon trustees of independent school districts incorporated under the general laws of the State of Texas; providing for the appointment of an assessor and collector of taxes and board of equalization; divesting the title to all property heretofore and now vested in Common School District No. 7, Motley county, Texas, out of said district, and vesting same in the board of trustees of Whiteflat Independent School District; declaring in full force and effect all maintenance tax heretofore voted or bonds heretofore issued by Common School District No. 7, Motley county, Texas, to be in full force and effect in so far as this act might affect them, and declaring an emergency."

H. B. No. 180, A bill to be entitled "An Act taking certain territory from Common School District No. 22 in Hall county and transferring the same to Common School District No. 6 in Hall county; providing for an election at which the qualified taxpaying voters of said Common School District No. 6 as thus enlarged may determine whether it shall assume and be taxed to pay the pro rata portion of the taxes which the said added territory may be subject to an account of any outstanding schoolhouse bond issues previously made by said district No. 22, and whether the property in said Common School District No. 6, as enlarged, shall be subject to any special school taxes previously voted by said district; and whether the property of such district as so enlarged shall be subject to taxes for the support of any previous bond issue by said Common School District No. 6; providing for the defining of the boundary lines of said district as thus enlarged; specifying the jurisdiction which the county board of trustees shall have with respect to the boundaries of the territory of such enlarged district, and declaring an emergency."

H. B. No. 199, A bill to be entitled "An Act creating and incorporating the Quitaque Independent School District of Briscoe county, Texas, for free school purposes only, defining its boundaries, vesting it with all the rights, powers, duties and privileges of independent school districts under the general laws of Texas pertaining thereto; providing for a board of trustees, raising of revenue by taxation, issuing bonds and maintaining public free schools therein;

vesting all lands, buildings and all other property now owned and held for free school purposes, by Quitaque Common School District in the Quitaque Independent School District; providing that all outstanding indebtedness whether bonded or otherwise of the Quitaque Common School District shall be validated and held a valid obligation against the Quitaque Independent School District, declaring valid a maintenance and bond tax heretofore voted by said Quitaque School District, and repealing all other acts and laws in conflict herewith."

H. B. No. 182, A bill to be entitled "An Act to amend Section 10 of Chapter 3 of the General Laws of the State of Texas, enacted by the Third Called Session of the Thirty-third Legislature, approved October 19, 1914, by adding a subdivision thereto to be designated (d $\frac{1}{2}$), providing that liabilities incurred under the provisions of the Federal 'Agricultural Credits Act of 1923' shall not be taken into account in determining the amount of indebtedness or liability of banking corporations incorporated under the laws of this State, and declaring an emergency."

H. B. No. 135, A bill to be entitled "An Act to provide for the organization of corporations for the purpose of borrowing and loaning money to their members only and for the discount and rediscount of notes, or other evidence of indebtedness, for their members, and authorizing such corporations to become endorsers on notes or other evidences of indebtedness of their members, providing that such notes or other evidences of indebtedness are made for the purposes provided in the Federal 'Agricultural Credits Act of 1923,' and for the purpose of loaning money to their member stockholders, where the money is to be used for the production, or production and marketing of staple agricultural productions, or for the raising, breeding, fattening or marketing of live stock, and the purchase and payment for capital stock of such corporation; providing that no corporation shall be organized under the provisions of this act with a capital stock of less than \$10,000, all of which shall be fully paid in at the time of filing the articles of incorporation, and such capital stock shall be invested in securities approved for investment by savings banks under the laws of Texas; and providing that such corporations shall by their by-laws

provide for the automatic increase of their capital stock, and authority is given for such automatic increase; providing that such capital stock shall be increased at the rate of ten per centum of the amount of loans made by such corporations; and providing that such corporations shall not make loans in excess of ten times their unimpaired capital stock represented by that part of its capital automatically increased; and providing such corporations may by their articles of incorporation provide for preferred and common stock, and if provision be made for preferred stock the articles of incorporation shall provide for payment of dividends thereon, and for the retirement of both classes of stock; and providing that banking or other corporations, except savings banks, may upon the approval of the Commissioner of Banking and Insurance, first had and obtained, invest in the preferred stock of such corporations; and providing also the requirements to be set out in the articles of incorporation of such corporations; and providing for the filing of reports with the Secretary of State and the payment of fees therefor, and defining the liability of stockholders, preferred or common, for the debts or engagements of such corporations; and providing the maximum amount of interest; and providing for the suspension of the constitutional rule, and declaring an emergency."

H. B. No. 184, A bill to be entitled "An Act to enable the citizens of the State of Texas to avail themselves of the provisions of the act of Congress of the United States of America, approved March 4, 1923, and known as the Agricultural Credits Act of 1923, and to provide for the creation of private co-operative credit associations by citizens of the State of Texas engaged in the production or marketing of staple agricultural products or the raising, breeding, feeding, fattening or marketing of live stock; and providing that such co-operative credit associations shall have the power to borrow for and lend money to their members; to discount or rediscount for their members only, and to purchase, indorse and sell the notes of its members, or such other evidences of indebtedness as may be discounted or rediscounted for their members only, and to purchase, indorse and sell the notes of its members, or such other evidences of indebtedness as may

be discounted or rediscounted under the provisions of the Federal 'Agricultural Credits Act of 1923,' and under the terms, rules and regulations prescribed by the Federal Farm Loan Board and with such other and additional powers as are conferred upon associations generally organized under the laws of this State, where not in conflict with the express provisions hereof; authorizing such co-operative credit associations to be organized with or without capital stock, provided that such co-operative credit associations organized for the purpose of raising, breeding, feeding, fattening or marketing live stock shall not be organized hereunder with capital stock, the initial amount of which must be stated in the articles of incorporation and that the articles of incorporation shall provide that loans shall not be obtained for, made to, or notes purchased of any person or corporation other than a stockholder in such association, and that each applicant for a loan or discount by such association shall become a subscriber to its capital stock in an amount equal to ten per centum of the amount of the loan or discount applied for and that upon or before the closing of such loan such capital stock shall be fully paid for; and providing that the capital stock of such associations shall be automatically increased with the increase of the loans and discounts of such associations, and that the amount of loans and discounts by such associations shall never be in excess of ten times the amount of paid-up, unimpaired capital stock of such association; providing for the retirement of capital stock; providing that this act shall be cumulative of all other general laws of this State affecting corporations organized thereunder, and providing for the payment of fees for the filing of articles of incorporation of co-operative credit associations hereunder and for the making of quarterly and annual reports to the Secretary of State and the payment of fees upon filing of such reports and the exempting of such co-operative credit associations from the payment of any other license or franchise tax, and declaring an emergency."

H. B. No. 206, A bill to be entitled "An Act creating the Taylor Independent School District in Swisher county, Texas; defining its boundaries and authorizing said district to add territory; providing for a board of trustees in said

district; conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws of Texas upon independent school districts, and naming of its first board of trustees and for the election of their successors; investing said district with all the property rights and the assumption of all obligations of the Taylor Common School District No. 19; providing for the appointment of a board of equalization and tax assessor and collector for said district, and declaring an emergency."

H. B. No. 216, A bill to be entitled "An Act extending the boundary of and adding territory to Happy Independent School District in Randall and Swisher counties as heretofore created by Chapter 23 of the Acts of the Thirty-fourth Legislature, as amended by Chapter 2 of the Acts of the First Called Session of the Thirty-fourth Legislature; defining the boundaries of said district as here extended; continuing the present board of trustees of said district in office for the remainder of their respective terms and until their successors shall have been duly elected and qualified; providing for an election to adjust the territory added to such district, and taxes which may now be levied upon the said independent school district of the pro rata of the taxes payable upon the property contained in such added territory on account of any outstanding bond issues which may exist against such territory and declaring an emergency."

H. B. No. 223, A bill to be entitled "An Act creating and incorporating the Grassland Independent School District in Lynn county, Texas, out of territory now comprising the Grassland Common School District No. 21 of Lynn county, as heretofore created by the county board of school trustees of said county; defining boundary thereof; providing for a board of trustees, their election, terms of office, qualification, powers, duties and authority; authorizing the board of trustees to levy, assess and collect taxes for maintenance and building purposes, and to issue bonds; providing for an assessor and collector of taxes and a board of equalization; providing that said Grassland Independent School District shall assume and discharge any and all indebtedness constituting valid and binding obligations of said Common School District No. 21 of Lynn county, validating and contin-

uing in force any and all taxes heretofore voted and now in force in such common school district; providing that title to any and all property of said common school district shall vest in the trustees of independent school district hereby created; providing for filling vacancies on the board of trustees; providing for a seal for said district; providing that the board of trustees shall be governed by the general laws of Texas in all matters where this act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any section or provision of this act shall not invalidate any remaining provisions hereof, and declaring an emergency."

H. C. R. No. 11, Relating to the Davis Mountain Park, with an amendment.

The Senate has concurred in House amendments to Senate bill No. 84.

Respectfully,
RICHARD BLALOCK,
Assistant Secretary of the Senate.

RECESS.

Mr. Purl moved that the House recess to 2 o'clock p. m. today.

Mr. Quinn moved that the House recess to 1:30 o'clock p. m. today.

The motion of Mr. Purl prevailed, and the House, accordingly, at 12:10 o'clock p. m., took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m., and was called to order by the Speaker.

HOUSE BILL NO. 111 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage, H. B. No. 111, A bill to be entitled "An Act to prohibit the reckless driving and operation of motor vehicles on the public highways of the State of Texas, and prescribing penalties therefor, and defining reckless driving and operation."

The bill was read third time and was passed.

SENATE BILL NO. 47 ON THIRD READING.

Mr. Driggers moved to reconsider the vote by which the House refused to suspend the constitutional rule to take up Senate bill No. 47 on its third reading and final passage.

The motion to reconsider prevailed.

Question—Shall the constitutional rule be suspended?

The Clerk was directed to call the roll and the constitutional rule was suspended by the following vote:

Yeas—97.

Mr. Speaker.	Loftin.
Abney.	Looney.
Amsler.	McBride.
Arnold.	McDaniel.
Baker of Milam.	McDonald.
Barker.	McKean.
Beasley.	McNatt.
Bird.	Mathes.
Bobbitt.	Maxwell.
Burmeister.	Melson.
Cable.	Miller.
Carpenter	Morgan
of Dallas.	of Liberty.
Carpenter	Morgan
of Matagorda.	of Robertson.
Carson.	Pate.
Carter of Hays.	Patman.
Chitwood.	Perdue.
Coffee.	Pinkston.
Covey.	Potter.
Cowen.	Quinn.
Crawford.	Rice.
Culp.	Robinson.
Davenport.	Rogers.
Davis.	Rowland.
DeBerry.	Russell of Callahan.
Dodd.	Russell of Trinity.
Driggers.	Sackett.
Duffey.	Sanford.
Dunlap.	Satterwhite.
Durham.	Shearer.
Edwards.	Shires.
Faubion.	Simpson.
Fields.	Smith.
Finlay.	Sparkman.
Frnka.	Stell.
Gipson.	Stewart
Greer.	of Edwards.
Hardin of Erath.	Stewart
Harrington.	of Galveston.
Harris.	Stewart of Jasper.
Hendricks.	Stewart of Reeves.
Howeth.	Stiernberg.
Irwin.	Thompson.
Jacks.	Thrasher.
Jennings.	Wallace.
Kemble.	Westbrook.
Lackey.	Wessels.
Lane.	Wilmons.
LeMaster.	Winfree.
LeSturgeon.	Young.
Lewis.	

Nays—3.

Bryant.	Moore.
Dunn.	

Absent.

Avis.	Baldwin.
Baker of Orange.	Barrett.

Bell.	Martin.
Bonham.	Merritt.
Collins.	Montgomery.
Dielmann.	Patterson.
Dinkle.	Pool.
Downs.	Pope.
Fugler.	Price.
Green.	Purl.
Hardin	Quaid.
of Kaufman.	Stevens.
Henderson	Storey.
of Marion.	Strickland.
Henderson	Stroder.
of McLennan.	Sweet.
Houston.	Teer.
Hughes.	Turner.
Hull.	Vaughan.
Johnson.	Wells.
Jones.	Williamson.
Laird.	Wilson.
McFarlane.	

Absent—Excused.

Atkinson.	Lamb.
Blount.	Lusk.
Carter of Coke.	Merriman.

The Speaker then laid Senate bill No. 47 before the House on its third reading and final passage.

The bill was read third time and was passed.

HOUSE BILL NO. 114 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 114, A bill to be entitled "An Act to safeguard the public in the purchase of pure-bred cotton seed true to name; creating a State board of plant breeder examiners; defining their duties; establishing a system of registration and certification; providing that the State board of plant breeder examiners shall prescribe all necessary rules and regulations and pass upon the application of breeders and growers for registration and certification; providing further that the Commissioner of Agriculture shall make the necessary inspection for the proper enforcement of said act, and shall have printed tags to be placed upon bags and other containers of cotton seed offered for sale under the terms of this act, and charge a fee for same; and to enforce the provisions of this act; prescribing penalties for the violation of said act; providing that this act shall be cumulative of Chapter 62, Acts of the Second Called Session of the Thirty-sixth Legislature, and declaring an emergency."

The bill was read third time and was passed by the following vote:

Yeas—89.

Amsler.	Looney.
Arnold.	McBride.
Baker of Milam.	McDaniel.
Barker.	McDonald.
Beasley.	McKean.
Bobbitt.	McNatt.
Burmeister.	Melson.
Cable.	Miller.
Carpenter	Morgan
of Dallas.	of Robertson.
Carpenter	Pate.
of Matagorda.	Perdue.
Carson.	Pinkston.
Carter of Hays.	Pool.
Chitwood.	Potter.
Coffee.	Price.
Covey.	Quinn.
Cowen.	Rice.
Davenport.	Robinson.
Davis.	Rogers.
DeBerry.	Rowland.
Dodd.	Russell
Downs.	of Callahan.
Driggers.	Russell of Trinity.
Duffey.	Sackett.
Dunlap.	Sanford.
Dunn.	Satterwhite.
Durham.	Shearer.
Edwards.	Shires.
Faubion.	Simpson.
Fields.	Smith.
Finlay.	Sparkman.
Greer.	Stell.
Hardin of Erath.	Stewart
Harrington.	of Edwards.
Hendricks.	Stewart
Howeth.	of Galveston.
Irwin.	Stewart of Jasper.
Jacks.	Stewart of Reeves.
Jennings.	Stiernberg.
Kemble.	Stroder.
Lackey.	Thompson.
Laird.	Thrasher.
Lane.	Westbrook.
LeMaster.	Wessels.
LeSturgeon.	Wilmans.
Lewis.	Winfree.

Nays—6.

Abney.	Martin.
Crawford.	Mathes.
Frnka.	Moore.

Present—Not Voting.

Mr. Speaker.	Morgan
Bird.	of Liberty.
Gipson.	Patman.
Loftin.	Young.
Maxwell.	

Absent.

Avis.	Baker of Orange.
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Baldwin.	Johnson.
Barrett.	Jones.
Bell.	McFarlane.
Bonham.	Merritt.
Bryant.	Montgomery.
Collins.	Patterson.
Culp.	Pope.
Dielmann.	Purl.
Dinkle.	Quaid.
Fugler.	Stevens.
Greer.	Storey.
Hardin	Strickland.
of Kaufman.	Sweet.
Harria.	Teer.
Henderson	Turner.
of Marion.	Vaughan.
Henderson	Wallace.
of McLennan.	Wells.
Houston.	Williamson.
Hughes.	Wilson.
Hull.	

Absent—Excused.

Atkinson.	Lamb.
Blount.	Lusk.
Carter of Coke.	Merriman.

HOUSE BILL NO. 127 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 127, A bill to be entitled "An Act amending Section 39 of Chapter 42, General Laws of the First Called Session of the Thirty-seventh Legislature, relative to public roads and highways, so as to except and exempt from the provisions of said chapter the county of Cherokee, and declaring an emergency."

The bill was read third time and was passed.

HOUSE BILL NO. 149 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 149, A bill to be entitled "An Act amending Article 7015 of Chapter 9, Title 119, of the Revised Civil Statutes of Texas, of 1911, relating to the building of toll bridges, giving commissioners courts the power of levying amount of tolls, limiting the number of years the builder shall control such bridges and providing for upkeep of bridges; extending the provisions of this article so that counties with a population of 10,000 or less may contract for a period not to exceed fifteen years, and declaring an emergency."

The bill was read third time and was passed

HOUSE BILL NO. 158 ON THIRD
READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 158, A bill to be entitled "An Act to facilitate the marketing and distribution of the natural resources of the State, and the products manufactured therefrom, by extending the right of condemnation to certain corporations, and declaring an emergency."

The bill was read third time.

Mr. Morgan of Liberty offered the following amendment to the bill:

Amend House bill No. 158, line 9, page 446 of Journal, by inserting between the words "the" and "land" the words "owner of said."

The amendment was adopted.

House bill No. 158 was then finally passed.

HOUSE BILL NO. 174 ON THIRD
READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 174, A bill to be entitled "An Act to amend Article 7629 of the Revised Civil Statutes of 1911, pertaining to credits allowed tax collectors for unpaid taxes reported or returned by them as delinquent or insolvent."

The bill was read third time and was passed.

HOUSE BILL NO. 175 ON THIRD
READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 175, A bill to be entitled "An Act to amend subdivision 5 of Article 7618 of the Revised Civil Statutes of 1911, as amended by Chapter 124, page 190, General Laws, Regular Session, Thirty-fourth Legislature approved March 22, 1915, pertaining to the collection of delinquent taxes and insolvent taxes and making reports of same by county tax collectors."

The bill was read third time and was passed.

HOUSE BILL NO. 186 ON THIRD
READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 186, A bill to be entitled "An Act to amend Sections 3 and 20 of House bill No. 13, passed at the Regular Session of the Thirty-eighth Legislature and approved by the Governor on February 28, 1923, and being

"An Act providing for the licensing, bonding and regulating of private employment agents; limiting the fee charged by such agents; providing for the cancellation of such license; prescribing the duties of the Commissioner of Labor Statistics for the State of Texas with reference to the enforcement of this act; providing for recoveries on said bond; fixing penalties for the violation of this act; creating a special fund for the enforcement of this act, and appropriating same for said purposes; repealing certain laws and all laws or parts of laws in conflict herewith and declaring an emergency," and to further amend said House bill No. 13 by adding after Section 20 thereof a new section to be known as Section 20a; the purpose of these amendments is to permit the issuance of licenses to residents of this State to engage in the business of employment agents; to remove discrimination against alien residents of this State who desire to engage in said business; to require certain statements to be made in application for license and to fix the amount and form of bond required to be given by those who are licensed to engage in the business; and to define certain offenses and prescribe penalties therefor; and to provide for restraining by injunction of any person or persons pursuing the business of employment agents or conducting an employment office without first having obtained a license therefor, and declaring an emergency."

The bill was read third time and was passed by the following vote:

Yeas—93.

Mr. Speaker.	Culp.
Atkinson.	Davis.
Baker of Milam.	DeBerry.
Barker.	Dinkle.
Beasley.	Dodd.
Bell.	Downs.
Bird.	Driggers.
Bobbitt.	Duffey.
Bonham.	Dunn.
Bryant.	Durham.
Burmeister.	Frnka.
Cable.	Gipson.
Carpenter	Green.
of Dallas.	Hardin of Erath.
Carpenter	Harris.
of Matagorda.	Howeth.
Carson.	Hull.
Carter of Hays.	Irwin.
Chitwood.	Jacks.
Coffee.	Jennings.
Covey.	Kemble.
Cowen.	Laird.
Crawford.	Lane.

LeMaster.	Russell
LeSturgeon.	of Callahan.
Lewis.	Russell of Trinity.
Looney.	Sackett.
McBride.	Sanford.
McDaniel.	Satterwhite.
McKean.	Shearer.
McNatt.	Shires.
Maxwell.	Simpson.
Merritt.	Smith.
Miller.	Sparkman.
Moore.	Stell.
Morgan	Stewart
of Liberty.	of Edwards.
Morgan	Stewart
of Robertson.	of Galveston.
Pate.	Stewart of Jasper.
Perdue.	Stewart of Reeves.
Pinkston.	Stroder.
Pool.	Teer.
Potter.	Thompson.
Price.	Thrasher.
Rice.	Westbrook.
Robinson.	Wilmans.
Rogers.	Wilson.
Rowland.	Winfree.
	Young.

Nays—2.

Fields.	Wessels.
Present—Not Voting.	
Abney.	Mathes.
Faubion.	Quinn.
Hendricks.	Stevens.
McDonald	Stiernberg.
Martin.	

Absent.

Arnold.	Hughes.
Avis.	Johnson.
Baker of Orange.	Jones.
Baldwin.	Lackey.
Barrett.	Loftin.
Collins.	McFarlane.
Davenport.	Melson.
Dielmann.	Montgomery.
Dunlap.	Patman.
Edwards.	Patterson.
Finlay.	Pope.
Fugler.	Purl.
Greer.	Quaid.
Hardin	Storey.
of Kaufman.	Strickland.
Harrington.	Sweet.
Henderson	Turner.
of Marion.	Vaughan.
Henderson	Wallace.
of McLennan.	Wells.
Houston.	Williamson.

Absent—Excused.

Amsler.	Lamb.
Blount.	Lusk.
Carter of Coke.	Merriman.

HOUSE BILL NO. 196 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 196, A bill to be entitled "An Act making it unlawful to deposit filth, trash, tin cans, rubbish and waste material of any nature in any public street, road or highway, or upon any private land or property; prescribing penalty for the violation of this act, and declaring an emergency."

The bill was read third time and was passed.

HOUSE BILL NO. 207 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 207, A bill to be entitled "An Act to relieve certain schools and school districts of the State by validating certain school districts, and where such districts have undertaken to provide for the issuance of schoolhouse bonds or the levying of special taxes for any unlawful school purposes, validating such bond issues and taxes, and declaring an emergency."

The bill was read third time and was passed.

HOUSE BILL NO. 224 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 224, A bill to be entitled "An Act to amend Articles 4256 and 4257 of an act entitled guardian and ward, Chapter 17, Title 64, of the Revised Statutes of Texas, 1911, providing for the appointment and qualification of non-resident guardians of the estate of non-resident minors in the State of Texas; prescribing the procedure in such cases; fixing the amount of the bond of such guardians; providing for the removal out of the State of Texas of personal property of such estates; providing for the sale of real property belonging to such estates and removal of the proceeds thereof; providing for the procedure in such sales, invalidating any proceedings heretofore taken under Chapter 17, Title 64, Revised Civil Statutes of Texas, 1911, and as since amended, qualifying such guardians and sales of real estate heretofore made by such non-resident guardians made in accordance with the provisions of Chapters 11 and 12, Revised

Civil Statutes of Texas, 1911, and as since amended; and to repeal all laws in conflict herewith, and declaring an emergency."

The bill was read third time, and was passed.

HOUSE BILL NO. 212 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 212, A bill to be entitled "An Act to repeal Section 23, Chapter 47, General Laws, passed at the Regular Session of the Thirty-second Legislature, requiring manufacturers of food and drugs doing business in the State of Texas, and all persons bringing into and offering for sale within this State any article of food or drugs to register their firm names and addresses with the Dairy and Food Commissioner and to pay a fee of one dollar for such registration; and to amend Section 4 of said Chapter 47 so as to include the word 'saccharin,' and declaring an emergency."

The bill was read third time, and was passed.

HOUSE BILL NO. 231 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 231, A bill to be entitled "An Act to amend Part Three of Chapter 179 of the Acts of the Regular Session of the Thirty-third Legislature, relating to workmen's compensation, as amended by Chapter 103 of the Acts of the Regular Session of the Thirty-fifth Legislature, by adding thereto a section to be known as Section 24, requiring the Texas Employers' Insurance Association to pay such taxes as may now or hereafter be required of private corporations licensed to write workmen's compensation in Texas, and creating an emergency."

The bill was read third time, and was passed.

HOUSE BILL NO. 245 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 245, A bill to be entitled "An Act placing a closed season of five years on antelope, mountain sheep, wild pheasant, wild woodcock, wild wood-duck, and wild prairie chicken; pro-

viding a penalty for the violation of same; repealing all laws in conflict herewith, and declaring an emergency."

The bill was read third time, and was passed.

HOUSE BILL NO. 126 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 126, A bill to be entitled "An Act to protect and promote the fruit and vegetable industry of this State, and to protect the growers, shippers and consumers of fruit and vegetables grown within this State, and to protect and promote the reputation of such fruits and vegetables grown within this State in foreign and domestic markets, and to protect the public against the imposition of fraud in the purchase of such fruits and vegetables by establishing standards for 'containers,' 'packs' and grades for such fruits and vegetables; regulating the manufacture of containers within this State for sale within this State; prescribing the duties of the Commissioner of Markets and Warehouses of this State for the enforcement of this act; prohibiting the use of containers other than established by this act for packaging or packing fruits and vegetables grown within this State; inhibiting the packing, selling or transporting of such fruits and vegetables which are unfit for human consumption; prohibiting the degrading or adulteration of such fruits and vegetables; providing for inspection of same and fixing the amount of fees which may be charged therefor; establishing a special fund and appropriating the same for carrying out the purposes of this act; providing for the branding or marketing of containers, when filled; providing for the issuance of inspection certificates and making such certificates prima facie evidence as to the grade, quality and condition of the commodity at the time of inspection, for which it was issued; authorizing the Commissioner of Markets and Warehouses of this State to promulgate standards of containers, grades and packs in conformity with those hereafter established by Congress or the Secretary of Agriculture of the United States, and to promulgate such other standards of containers, grades and packs, and grade names, as in his judgment are expedient and to the best interest of the fruit and vegetable growers of this State; providing

for tolerances; providing for supervision of the grading and packing of fruits and vegetables grown within this State by the Commissioner of Markets and Warehouses or inspectors appointed by him; inhibiting the manufacture and sale of containers other than standard within this State for use within this State; defining terms used in this act; prescribing penalties for the violation of the provisions of this act; repealing certain laws and all other laws in conflict herewith, and declaring an emergency."

The bill was read third time.

Mr. Pope offered the following amendment to the bill:

Amend House bill No. 126 by striking out Sections 14, 15, 16, 17 and 18.

The amendment was adopted.

House bill No. 126 was then finally passed.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, May 14, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the free conference committee report on Senate bill No. 92 by a vote of 27 yeas and 0 nays.

Respectfully,

RICHARD BLALOCK,

Assistant Secretary of the Senate.

MOTION TO TAKE UP SENATE BILL NO. 61.

Mr. Pate moved to reconsider the vote by which the House refused to suspend the rule on Senate bill No. 61.

Mr. Davenport moved to table the motion to reconsider.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—30.

Amsler.	McNatt.
Barker.	Merritt.
Bird.	Morgan
Bryant.	of Liberty.
Cable.	Perdue.
Davenport.	Pool.
Davis.	Quinn.
Durham.	Rowland.
Fields.	Russell
Howeth.	of Callahan.
Laird.	Satterwhite.
Lane.	Smith.
LeMaster.	Stell.
LeSturgeon.	Stevens.

Stroder.
Thompson.

Wessels.
Winfree.

Nays—69.

Arnold.	McDonald.
Baker of Milam.	McKean.
Beasley.	Martin.
Bell.	Mathes.
Bobbitt.	Maxwell.
Burmeister.	Melson.
Carpenter	Moore.
of Dallas.	Morgan
Carpenter	of Robertson.
of Matagorda.	Pate.
Carson.	Patman.
Carter of Hays.	Patterson.
Chitwood.	Pinkston.
Coffee.	Price.
Covey.	Rice.
Crawford.	Robinson.
Culp.	Rogers.
DeBerry.	Russell of Trinity.
Dinkle.	Sackett.
Dodd.	Sanford.
Downs.	Shearer.
Driggers.	Shires.
Duffey.	Simpson.
Dunn.	Sparkman.
Faubion.	Stewart
Finlay.	of Galveston.
Frnka.	Stewart of Jasper.
Green.	Stewart of Reeves.
Hardin of Erath.	Stiernberg.
Harrington.	Sweet.
Hendricks.	Teer.
Irwin.	Thrasher.
Jennings.	Wallace.
Kemble.	Westbrook.
Loftin.	Wilson.
Looney.	Young.
McBride.	

Present—Not Voting.

Mr. Speaker.	Jacks.
Abney.	McDaniel.
Gipson.	

Absent.

Avis.	Houston.
Baker of Orange.	Hughes.
Baldwin.	Hull.
Barrett.	Johnson.
Bonham.	Jones.
Collins.	Lackey.
Cowen.	Lewis.
Dielmann.	McFarlane.
Dunlap.	Miller.
Edwards.	Montgomery.
Fugler.	Pope.
Greer.	Potter.
Hardin	Purl.
of Kaufman.	Quaid.
Harris.	Stewart
Henderson	of Edwards.
of Marion.	Storey.
Henderson	Strickland.
of McLennan.	Turner.

Vaughan. Williamson.
Wells. Absent—Excused.

Atkinson. Lusk.
Blount. Merriman.
Carter of Coke. Wilmans.
Lamb.

Question recurring on the motion to reconsider, it prevailed.

Question—Shall the constitutional rule be suspended?

The Clerk was directed to call the roll and the House refused to suspend the constitutional rule by the following vote:

Yeas—80.

Mr. Speaker.	Loftin.
Amsler.	McKean.
Arnold.	Martin.
Baker of Milam.	Mathes.
Beasley.	Maxwell.
Bell.	Melson.
Bobbitt.	Miller.
Bryant.	Moore.
Burmeister.	Morgan
Carpenter	of Liberty.
of Dallas.	Morgan
Carpenter	of Robertson.
of Matagorda.	Pate.
Carson.	Patman.
Carter of Hays.	Perdue.
Chitwood.	Pinkston.
Coffee.	Pope.
Covey.	Price.
Cowen.	Quaid.
Crawford.	Quinn.
Culp.	Rice.
DeBerry.	Robinson.
Dinkle.	Rogers.
Dodd.	Russell
Driggers.	of Callahan.
Dunlap.	Russell of Trinity.
Dunn.	Sackett.
Durham.	Satterwhite.
Faubion.	Shearer.
Finlay.	Shires.
Frnka.	Simpson.
Gipson.	Smith.
Green.	Stewart
Hardin of Erath.	of Galveston.
Harrington.	Stewart of Jasper.
Henderson	Stiernberg.
of Marion.	Stroder.
Hendricks.	Teer.
Hull.	Thrasher.
Irwin.	Wallace.
Jacks.	Westbrook.
Jennings.	Wilson.
Lackey.	Winfree.
Lane.	Young.

Nays—26.

Avis. Bird.
Barker. Cable.

Davenport.	McDaniel.
Davis.	McNatt.
Duffey.	Merritt.
Fields.	Pool.
Henderson	Rowland.
of McLennan.	Stell.
Howeth.	Stevens.
Kemble.	Stewart
Laird.	of Edwards.
LeMaster.	Thompson.
LeStourgeon.	Vaughan.
Lewis.	Wessels.
McBride.	

Present—Not Voting.

Abney. McDonald.

Absent.

Baker of Orange.	Jones.
Baldwin.	Looney.
Barrett.	McFarlane.
Bonham.	Montgomery.
Collins.	Patterson.
Dielmann.	Potter.
Downs.	Purl.
Edwards.	Sanford.
Fugler.	Sparkman.
Greer.	Stewart of Reeves.
Hardin	Storey.
of Kaufman.	Strickland.
Harris.	Sweet.
Houston.	Turner.
Hughes.	Wells.
Johnson.	Williamson.

Absent—Excused.

Atkinson.	Lusk.
Blount.	Merriman.
Carter of Coke.	Wilmans.
Lamb.	

Mr. Abney moved to reconsider the vote by which the House refused to suspend the rule, and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—36.

Abney.	Henderson
Avis.	of McLennan.
Barker.	Howeth.
Bird.	Jacks.
Bonham.	Kemble.
Bryant.	Laird.
Cable.	LeStourgeon.
Carson.	Lewis.
Crawford.	Looney.
Davenport.	McDaniel.
Davis.	McNatt.
DeBerry.	Merritt.
Duffey.	Perdue.
Fields.	Rowland.

Sackett.	Stroder.
Stell.	Vaughan.
Stevens.	Westbrook.
Stewart	Wessels.
of Edwards.	Winfree.

Nays—66.

Amsler.	McKean.
Baker of Milam.	Martin.
Baldwin.	Mathes.
Beasley.	Maxwell.
Bell.	Melson.
Bobbitt.	Miller.
Burmeister.	Moore.
Carpenter	Morgan
of Matagorda.	of Liberty.
Carter of Hays.	Pate.
Chitwood.	Patman.
Coffee.	Pinkston.
Covey.	Price.
Cowen.	Quinn.
Culp.	Robinson.
Dinkle.	Rogers.
Dodd.	Russell
Driggers.	of Callahan.
Dunn.	Russell of Trinity.
Faubion.	Satterwhite.
Finlay.	Shearer.
Frnka.	Shires.
Fugler.	Simpson.
Gipson.	Smith.
Green.	Sparkman.
Hardin of Erath.	Stewart
Harrington.	of Galveston.
Henderson	Stewart of Jasper.
of Marion.	Stewart of Reeves.
Hull.	Stiernberg.
Irwin.	Teer.
Jennings.	Thompson.
Lackey.	Thrasher.
Lane.	Wallace.
LeMaster.	Wilson.
McBride.	Young.

Present—Not Voting.

Mr. Speaker.

Absent.

Arnold.	Johnson.
Baker of Orange.	Jones.
Barrett.	Loftin.
Carpenter	McDonald.
of Dallas.	McFarlane.
Collins.	Montgomery.
Dielmann.	Morgan
Downs.	of Robertson.
Dunlap.	Patterson.
Durham.	Pool.
Edwards.	Pope.
Greer.	Potter.
Hardin	Purl.
of Kaufman.	Quaid.
Harris.	Rice.
Hendricks.	Sanford.
Houston.	Storey.
Hughes.	Strickland.

Sweet.	Wells.
Turner.	Williamson.

Absent—Excused.

Atkinson.	Lusk.
Blount.	Merriman.
Carter of Coke.	Wilmans.
Lamb.	

MOTION TO TAKE UP SENATE BILL NO. 59.

Mr. Carpenter of Dallas moved to reconsider the vote by which the House refused to suspend the constitutional rule on Senate bill No. 59.

Mr. Moore moved to table the motion to reconsider.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—62.

Abney.	Jacks.
Amsler.	Laird.
Arnold.	LeMaster.
Avis.	Loftin.
Baker of Milam.	Looney.
Barker.	McBride.
Beasley.	McDaniel.
Bird.	McDonald.
Bryant.	McKean.
Cable.	Martin.
Carson.	Merritt.
Carter of Hays.	Patman.
Covey.	Pinkston.
Cowen.	Pool.
Crawford.	Pope.
Davis.	Price.
DeBerry.	Quaid.
Duffey.	Rowland.
Dunn.	Russell
Durham.	of Callahan.
Fields.	Shearer.
Finlay.	Simpson.
Frnka.	Stell.
Gipson.	Stevens.
Hardin of Erath.	Stewart of Reeves.
Harrington.	Thompson.
Henderson	Vaughan.
of Marion.	Wallace.
Henderson	Westbrook.
of McLennan.	Wessels.
Howeth.	Wilson.
Hull.	Winfree.

Nays—42.

Baldwin.	Chitwood.
Bell.	Coffee.
Bobbitt.	Davenport.
Burmeister.	Dinkle.
Carpenter	Dodd.
of Dallas.	Driggers.
Carpenter	Faubion.
of Matagorda.	Fugler.

Green.	Rogers.
Irwin.	Russell of Trinity.
Kemble.	Sackett.
Lackey.	Satterwhite.
LeSturgeon.	Shires.
Lewis.	Smith.
McNatt.	Stewart
Mathes.	of Edwards.
Maxwell.	Stewart
Miller.	of Galveston.
Patterson.	Stiernberg.
Perdue.	Stroder.
Potter.	Teer.
Quinn.	Thrasher.
Robinson.	Young.

Present—Not Voting.

Jennings. Pate.

Absent.

Baker of Orange.	McFarlane.
Barrett.	Melson.
Bonham.	Montgomery.
Collins.	Moore.
Culp.	Morgan
Dielmann.	of Liberty.
Downs.	Morgan
Dunlap.	of Robertson.
Edwards.	Purl.
Greer.	Rice.
Hardin	Sanford.
of Kaufman.	Sparkman.
Harris.	Stewart of Jasper.
Hendricks.	Storey.
Houston.	Strickland.
Hughes.	Sweet.
Johnson.	Turner.
Jones.	Wells.
Lane.	Williamson.

Absent—Excused.

Atkinson.	Lusk.
Blount.	Merriman.
Carter of Coke.	Wilmans.
Lamb.	

SENATE BILL NO. 14 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 14, A bill to be entitled "An Act authorizing the board of directors to purchase additional lands adjacent to the Agricultural and Mechanical College of Texas, the title to said lands to be taken in the name of the board of directors and their successors, and said lands to be subject to the control of said board of directors; said lands comprising approximately three hundred and eighty-three (383) acres in several tracts whose ownership or description is herein indicated; providing

for the purchase from the different owners, and authorizing condemnation proceedings in case the price of the several tracts cannot be agreed upon between the respective owners and said board of directors; providing the manner of drawing vouchers, and approving the title of said lands by State officials, making an appropriation for the purchase of said lands out of the general revenues, and declaring an emergency."

The bill was read third time.

Mr. Baker of Milam offered the following amendment to the bill:

Amend Senate bill No. 14 by adding after the last word in Section 5 of the bill the words "Provided that such land so acquired shall be hereafter known as Rountree Park."

The amendment was adopted.

Question recurring on the final passage of the bill, yeas and nays were demanded.

Mr. Burmeister moved a call of the House for the purpose of maintaining a quorum until 5 o'clock, and the motion was lost.

Senate bill No. 14 then failed to pass by the following vote:

Yeas—39.

Amsler.	Mathes.
Arnold.	Maxwell.
Bell.	Morgan
Burmeister.	of Liberty.
Carpenter	Morgan
of Dallas.	of Robertson.
Carpenter	Potter.
of Matagorda.	Quaid.
Carter of Hays.	Robinson.
Chitwood.	Rogers.
Cowen.	Russell
Culp.	of Callahan.
Davenport.	Russell of Trinity.
Dunlap.	Shires.
Gipson.	Stewart
Green.	of Galveston.
Hardin of Erath.	Stewart of Jasper.
Irwin.	Stewart of Reeves.
Jacks.	Stroder.
Lackey.	Thrasher.
LeSturgeon.	Winfree.
Lewis.	Young.
McNatt.	

Nays—59.

Abney.	Crawford.
Avis.	Davis.
Baker of Milam.	DeBerry.
Beasley.	Dinkle.
Bird.	Dodd.
Bryant.	Driggers.
Cable.	Duffey.
Coffee.	Fields.

Finlay.	Perdue.
Frnka.	Pinkston.
Harrington.	Pool.
Henderson	Pope.
of McLennan.	Price.
Hendricks.	Rice.
Howeth.	Rowland.
Jennings.	Shearer.
Kemble.	Simpson.
Laird.	Sparkman.
Lane.	Stell.
LeMaster.	Stevens.
Loftin.	Stewart
Looney.	of Edwards.
McBride.	Stiernberg.
McDaniel.	Teer.
Martin.	Thompson.
Merritt.	Vaughan.
Miller.	Wallace.
Moore.	Westbrook.
Pate.	Wessels.
Patman.	Wilson.

Present—Not Voting.

Mr. Speaker.	Covey.
Baldwin.	McDonald.

Absent.

Baker of Orange.	Hughes.
Barker.	Hull.
Barrett.	Johnson.
Bobbitt.	Jones.
Bonham.	McFarlane.
Carson.	McKean.
Collins.	Melson.
Dielmann.	Montgomery.
Downs.	Patterson.
Dunn.	Purl.
Durham.	Quian.
Edwards.	Sackett.
Faubion.	Sanford.
Fugler.	Satterwhite.
Greer.	Smith.
Hardin	Storey.
of Kaufman.	Strickland.
Harris.	Sweet.
Henderson	Turner.
of Marion.	Wells.
Houston.	Williamson.

Absent—Excused.

Atkinson.	Lusk.
Blount.	Merriman.
Carter of Coke.	Wilmans.
Lamb.	

Mr. Patman moved to reconsider the vote by which the bill failed to pass and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—63.

Abney.	Amsler.
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Avis.	Miller.
Beasley.	Moore.
Bell.	Morgan
Bird.	of Liberty.
Bryant.	Morgan
Cable.	of Robertson.
Crawford.	Pate.
Davis.	Patman.
DeBerry.	Perdue.
Dodd.	Pinkston.
Downs.	Pool.
Driggers.	Pope.
Duffey.	Price.
Fields.	Rice.
Finlay.	Robinson.
Frnka.	Rowland.
Fugler.	Russell of Trinity.
Harrington.	Shearer.
Henderson	Simpson.
of McLennan.	Sparkman.
Hendricks.	Stell.
Howeth.	Stevens.
Jennings.	Stewart
Kemble.	of Galveston.
Laird.	Stiernberg.
Lane.	Teer.
LeMaster.	Thompson.
Loftin.	Vaughan.
Looney.	Wallace.
McBride.	Westbrook.
McDaniel.	Wessels.
Martin.	Wilson.
Merritt.	

Nays—35.

Arnold.	Lewis.
Baker of Milam.	McNatt.
Burmeister.	Mathes.
Carpenter	Maxwell.
of Dallas.	Potter.
Carpenter	Quaid.
of Matagorda.	Rogers.
Carter of Hays.	Russell
Chitwood.	of Callahan.
Cowen.	Shires.
Culp.	Smith.
Davenport.	Stewart
Dunlap.	of Edwards.
Durham.	Stewart of Jasper.
Green.	Stewart of Reeves.
Hardin of Erath.	Stroder.
Irwin.	Thrasher.
Jacks.	Winfree.
Lackey.	Young.
LeStourgeon.	

Present—Not Voting.

Mr. Speaker.	Covey.
Baldwin.	McDonald.

Absent.

Baker of Orange.	Carson.
Barker.	Coffee.
Barrett.	Collins.
Bobbitt.	Dielmann.
Bonham.	Dinkle.

Dunn.	McKean.
Edwards.	Melson.
Faubion.	Montgomery.
Gipson.	Patterson.
Greer.	Purl.
Hardin	Quinn.
of Kaufman.	Sackett.
Harris.	Sanford.
Henderson	Satterwhite.
of Marion.	Storey.
Houston.	Strickland.
Hughes.	Sweet.
Hull.	Turner.
Johnson.	Wells.
Jones.	Williamson.
McFarlane.	

Absent—Excused.

Atkinson.	Lusk.
Blount.	Merriman.
Carter of Coke.	Wilmans.
Lamb.	

Reasons for Vote.

We would be glad to vote for the bill adding land to the A. & M. College because we favor adequate support of said institution and believe said land is needed, but cannot consent to pay the price called for in the bill, because we believe such price excessive and that the land can be acquired more cheaply by condemnation proceedings. We therefore vote "present."

Signed—Baldwin, Covey.

SENATE BILL NO. 20 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage.

S. B. No. 20, A bill to be entitled "An Act making an appropriation for additional inspectors for the Live Stock Sanitary Commission, to pay compensation or expenses of such inspectors, said appropriation to be available for the fiscal year ending August 31, 1923, and declaring an emergency."

The bill was read third time, and was passed by the following vote:

Yeas—76.

Amsler.	Carpenter
Arnold.	of Matagorda.
Avis.	Carter of Hays.
Baker of Milam.	Chitwood.
Baldwin.	Coffee.
Beasley.	Covey.
Bird.	Cowen.
Bryant.	Crawford.
Burmeister.	Culp.
Cable.	Davenport.
Carpenter	Downs.
of Dallas.	Duffey.

Dunlap.	Pate.
Dunn.	Pinkston.
Durham.	Pope.
Fugler.	Potter.
Gipson.	Quaid.
Green.	Rice.
Henderson	Robinson.
of Marion.	Rogers.
Howeth.	Rowland.
Irwin.	Russell
Jacks.	of Callahan.
Jennings.	Sackett.
Kemble.	Shires.
Lackey.	Simpson.
Lane.	Smith.
LeStourgeon.	Sparkman.
Lewis.	Stewart
Loftin.	of Edwards.
McBride.	Stewart
McDaniel.	of Galveston.
McDonald.	Stewart of Jasper.
McNatt.	Stewart of Reeves.
Martin.	Stroder.
Maxwell.	Teer.
Merritt.	Thrasher.
Miller.	Wallace.
Morgan	Wells.
of Liberty.	Westbrook.
Morgan	Winfree.
of Robertson.	Young.

Nays—25.

Abney.	LeMaster.
Barker.	Looney.
Barrett.	Melson.
Bell.	Perdue.
Davis.	Price.
DeBerry.	Russell of Trinity.
Dodd.	Stell.
Driggers.	Stevens.
Fields.	Stiernberg.
Harrington.	Thompson.
Henderson	Vaughan.
of McLennan.	Wessels.
Laird.	Wilson.

Present—Not Voting.

Mr. Speaker.	Shearer.
Finlay.	

Absent.

Baker of Orange.	Hendricks.
Bobbitt.	Houston.
Bonham.	Hughes.
Carson.	Hull.
Collins.	Johnson.
Dielmann.	Jones.
Dinkle.	McFarlane.
Edwards.	McKean.
Faubion.	Mathes.
Frnka.	Montgomery.
Greer.	Moore.
Hardin of Erath.	Patman.
Hardin	Patterson.
of Kaufman.	Pool.
Harris.	Purl.

Quinn.	Strickland.
Sanford.	Sweet.
Satterwhite.	Turner.
Storey.	Williamson.

Absent—Excused.

Atkinson.	Lusk.
Blount.	Merriman.
Carter of Coke.	Wilmans.
Lamb.	

Mr. Burmeister moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Rogers moved a call of the House for the purpose of maintaining a quorum until 5 o'clock p. m., and the motion was lost.

SENATE BILL NO. 30 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 30, A bill to be entitled "An Act to amend Section 36, Acts of 1919, Second Called Session, Chapter 78, of the General Laws of the State of Texas, so as to provide adequate and proper punishment for the violation of said chapter, same being the Statewide Intoxicating Liquor Prohibition Law, and declaring an emergency."

The bill was read third time.

Mr. Lewis offered the following amendment to the bill:

Amend Senate bill No. 30 by striking out the enacting clause.

Mr. Jacks moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—39.

Abney.	Lackey.
Avis.	Laird.
Barrett.	Lane.
Beasley.	LeMaster.
Carson.	LeSturgeon.
Cowen.	Loftin.
Davenport.	Perdue.
Davis.	Pool.
Durham.	Pope.
Edwards.	Quinn.
Finlay.	Rice.
Frnka.	Sanford.
Fugler.	Shearer.
Gipson.	Simpson.
Green.	Smith.
Henderson	Stevens.
of Marion.	Stiernberg.
Henderson	Thompson.
of McLennan.	Vaughan.
Hull.	Wessels.
Jacks.	Wilson.

Nays—65.

Amsler.	McBride.
Baker of Milam.	McDaniel.
Barker.	McDonald.
Bell.	McKean.
Bobbitt.	McNatt.
Bonham.	Martin.
Bryant.	Mathes.
Cable.	Melson.
Carpenter	Miller.
of Dallas.	Moore.
Carpenter	Morgan
of Matagorda.	of Robertson.
Carter of Hays.	Pate.
Chitwood.	Pinkston.
Covey.	Potter.
Crawford.	Price.
Culp.	Robinson.
DeBerry.	Rogers.
Dinkle.	Russell
Dodd.	of Callahan.
Driggers.	Sparkman.
Duffey.	Stell.
Dunn.	Stewart
Faubion.	of Edwards.
Fields.	Stewart of Jasper.
Hardin of Erath.	Stewart of Reeves.
Harrington.	Stroder.
Harris.	Sweet.
Hendricks.	Teer.
Howeth.	Thrasher.
Irwin.	Wallace.
Jennings.	Wells.
Kemble.	Wilmans.
Lewis.	Young.

Present—Not Voting.

Mr. Speaker.	Stewart
Looney.	of Galveston.

Absent.

Arnold.	Merritt.
Baker of Orange.	Montgomery.
Baldwin.	Morgan
Bird.	of Liberty.
Burmeister.	Patman.
Coffee.	Patterson.
Collins.	Purl.
Dielmann.	Quaid.
Downs.	Rowland.
Dunlap.	Russell of Trinity.
Greer.	Sackett.
Hardin	Satterwhite.
of Kaufman.	Shires.
Houston.	Storey.
Hughes.	Strickland.
Johnson.	Turner.
Jones.	Westbrook.
McFarlane.	Williamson.
Maxwell.	Winfree.

Absent—Excused.

Atkinson.	Lamb.
Blount.	Lusk.
Carter of Coke.	Merriman.

Mr. Kemble moved the previous question on the pending amendment and the bill, and the main question was ordered.

Question first recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote, not receiving the necessary two-thirds vote:

Yeas—66.

Arnold.	McNatt.
Avis.	Martin.
Baker of Milam.	Mathes.
Barker.	Miller.
Beasley.	Moore.
Bell.	Morgan
Bobbitt.	of Robertson.
Bonham.	Pate.
Carpenter	Patman.
of Matagorda.	Patterson.
Carson.	Perdue.
Carter of Hays.	Pinkston.
Chitwood.	Potter.
Coffee.	Price.
Covey.	Purl.
Crawford.	Robinson.
Culp.	Rogers.
DeBerry.	Russell
Dodd.	of Callahan.
Driggers.	Sanford.
Duffey.	Satterwhite.
Dunlap.	Stewart
Dunn.	of Edwards.
Durham.	Stewart of Jasper.
Faubion.	Stewart of Reeves.
Hardin of Erath.	Stroder.
Henderson	Sweet.
of Marion.	Thompson.
Howeth.	Thrasher.
Irwin.	Wallace.
Jennings.	Wells.
Kemble.	Westbrook.
LeMaster.	Wessels.
Lewis.	Wilmans.
Looney.	Young.
McBride.	

Nays—39.

Abney.	Hull.
Amsler.	Jacks.
Barrett.	Lackey.
Bryant.	Laird.
Cable.	LeSturgeon.
Carpenter	Loftin.
of Dallas.	McDaniel.
Davenport.	McKean.
Davis.	Melson.
Downs.	Merritt.
Finlay.	Pope.
Frnka.	Quinn.
Gipson.	Rice.
Green.	Rowland.
Harris.	Sackett.
Henderson	Shearer.
of McLennan.	Shires.
Hendricks.	Simpson.

Smith.
Stevens.
Stiernberg.

Vaughan.
Wilson.

Absent.

Baker of Orange.	McDonald.
Baldwin.	McFarlane.
Bird.	Maxwell.
Burmeister.	Montgomery.
Collins.	Morgan
Cowen.	of Liberty.
Dielmann.	Pool.
Dinkle.	Quaid.
Edwards.	Russell of Trinity.
Fields.	Sparkman.
Fugler.	Stell.
Greer.	Stewart
Hardin	of Galveston.
of Kaufman.	Storey.
Harrington.	Strickland.
Houston.	Teer.
Hughes.	Turner.
Johnson.	Williamson.
Jones.	Winfree.
Lane.	

Absent—Excused.

Atkinson.	Lamb.
Blount.	Lusk.
Carter of Coke.	Merriman.

Senate bill No. 30 then failed to pass by the following vote:

Yeas—43.

Abney.	McBride.
Amsler.	McDaniel.
Avis.	Martin.
Barrett.	Melson.
Burmeister.	Merritt.
Carpenter	Pool.
of Dallas.	Pope.
Davenport.	Quinn.
Downs.	Rice.
Finlay.	Rowland.
Frnka.	Sackett.
Fugler.	Shearer.
Green.	Shires.
Harris.	Simpson.
Henderson	Smith.
of McLennan.	Stevens.
Hull.	Stewart
Jacks.	of Galveston.
Lackey.	Stiernberg.
Laird.	Vaughan.
Lane.	Wessels.
LeSturgeon.	Wilson.
Looney.	

Nays—64.

Arnold.	Bryant.
Baker of Milam.	Cable.
Barker.	Carpenter
Beasley.	of Matagorda.
Bell.	Carson.
Bobbitt.	Carter of Hays.
Bonham.	Chitwood.

Coffee.	Morgan
Covey.	of Robertson.
Crawford.	Pate.
Culp.	Patman.
Davis.	Patterson.
DeBerry.	Perdue.
Dodd.	Pinkston.
Driggers.	Potter.
Duffey.	Price.
Dunlap.	Purl.
Dunn.	Robinson.
Durham.	Rogers.
Faubion.	Russell
Hardin of Erath.	of Callahan.
Henderson	Sanford.
of Marion.	Satterwhite.
Hendricks.	Stewart
Howeth.	of Edwards.
Irwin.	Stewart of Jasper.
Jennings.	Stroder.
Kemble.	Sweet.
LeMaster.	Thompson.
Lewis.	Thrasher.
McDonald.	Wallace.
McNatt.	Wells.
Mathes.	Westbrook.
Miller.	Young.
Moore.	

Present—Not Voting.

Morgan
of Liberty.

Absent.

Baker of Orange.	Loftin.
Baldwin.	McFarlane.
Bird.	McKean.
Collins.	Maxwell.
Cowen.	Montgomery.
Dielmann.	Quaid.
Dinkle.	Russell of Trinity.
Edwards.	Sparkman.
Fields.	Stell.
Gipson.	Stewart of Reeves.
Greer.	Storey.
Hardin	Strickland.
of Kaufman.	Teer.
Harrington.	Turner.
Houston.	Williamson.
Hughes.	Wilmans.
Johnson.	Winfree.
Jones.	

Absent—Excused.

Atkinson.	Lamb.
Blount.	Lusk.
Carter of Coke.	Merriman.

Mr. Pate moved to reconsider the vote by which the bill failed to pass, and to table the motion to reconsider.

The motion to table prevailed.

SENATE BILL ON FIRST READING.

The following Senate bill, received from the Senate today, was laid before

the House, read first time, and referred to the appropriate committee, as follows:

Senate bill No. 113, to the Committee on Appropriations.

SENATE BILL NO. 62 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 62, A bill to be entitled "An Act authorizing cities having more than five thousand inhabitants to specially illuminate districts thereof, and to construct, install, equip and maintain a system of artificial lights as a local public improvement; providing for abutting property owners desiring such public improvement to petition for same or that same may be done by the governing authorities of the city without such petition; providing for the cost of such local public improvement to be paid by the abutting property owners by assessment in an amount not to exceed the benefits received by the property; providing for a lien against the property and a personal claim against the owner and the issuance of assignable certificates, payable in installments with interest, against the property owner for the amount of the assessment; providing for the letting of the contract for such public improvement by the city, and providing for a hearing for the property owners to be heard and make objections; providing for the enforcement of the assessment by suit against the property owners; providing for suit by the property owner to attack the validity of the proceedings hereunder; providing for the system after being completed becoming the property of the city to be maintained and kept up at its expense, and providing for an emergency."

The bill was read third time and was passed.

SENATE BILL NO. 69 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 69, A bill to be entitled "An Act providing that where the State of Texas, through the Game, Fish and Oyster Commissioner, has issued a permit to excavate and take from any island, reef, bar, lake, river, creek, bayou or bay of this State marl, mud, shell, oyster shell, sand and gravel, the State, at the request of the permit

holder, shall have the right and power to condemn land for the purpose of erecting dredges and necessary equipments, railroad spurs, and of opening roads and passage ways to said place of operations; and providing that the method of condemnation shall be the same as is now provided by law in case of railroads; providing that suit may be instituted by the Attorney General of Texas in the county where such permit is situated and the cost of same be paid by the permit holder or his assigns seeking condemnation, and declaring an emergency."

The bill was read third time and was passed.

SENATE BILL NO. 71 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage, S. B. No. 71, A bill to be entitled "An Act authorizing independent school districts to employ their own tax assessors and to have their taxes collected by the county tax collector, without being required to have their assessments made at the same valuations that are used for State and county taxation, and repealing all laws and parts of laws in conflict with this act, and declaring an emergency."

The bill was read third time and was passed.

SENATE BILL NO. 79 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 79, A bill to be entitled "An Act making an appropriation to be used in the erection of a monument in the city of Houston in memory of Sam Houston, who headed the military forces in Texas' struggle for freedom and who was President of the Republic of Texas; said appropriation to be used, together with other funds, for said purpose from private donations; providing the means, agencies and expenditure of said fund and erection of the monument, and declaring an emergency."

The bill was read third time.

Mr. Davenport moved the previous question on the passage of the bill, and the main question was ordered.

Senate bill No. 79 was then finally passed by the following vote:

Yeas—58.

Amsler.

Arnold.

Avis.
Baker of Milam.
Baldwin.
Beasley.
Bobbitt.
Bonham.
Burmeister.
Carpenter
of Dallas.
Carpenter
of Matagorda.
Carson.
Carter of Hays.
Cowen.
Culp.
Davenport.
Dinkle.
Driggers.
Dunlap.
Durham.
Gipson.
Henderson
of McLennan.
Hull.
Irwin.
Jacks.
Kemble.
Lackey.
Lane.
LeSturgeon.
Lewis.
McDaniel.

McDonald.
McKean.
McNatt.
Maxwell.
Melson.
Miller.
Morgan
of Liberty.
Morgan
of Robertson.
Patman.
Patterson.
Perdue.
Pinkston.
Pope.
Potter.
Robinson.
Rogers.
Russell
of Callahan.
Sackett
Shires.
Smith.
Stewart
of Galveston.
Stewart of Reeves.
Stroder.
Sweet.
Wells.
Winfree.
Young.

Nays—36.

Barker.
Barrett.
Bell.
Bird.
Bryant.
Cable.
Chitwood.
Coffee.
Davis.
DeBerry.
Dodd.
Dunn.
Faubion.
Fields.
Finlay.
Green.
Harrington.
Hendricks.
Howeth.

Jennings.
LeMaster.
McBride.
Martin.
Mathes.
Merritt.
Pool.
Rowland.
Sanford.
Satterwhite.
Stell.
Stewart
of Edwards.
Stewart of Jasper.
Teer.
Thompson.
Wessels.
Wilson.

Present—Not Voting.

Mr. Speaker.
Covey.
Downs.

Loftin.
Stevens.
Westbrook.

Absent.

Abney.
Baker of Orange.
Collins.
Crawford.
Dielmann.

Duffey.
Edwards.
Frnka.
Fugler.
Greer.

Hardin of Erath.	Purl.
Hardin	Quaid.
of Kaufman.	Quinn.
Harris.	Rice.
Henderson	Russell of Trinity.
of Marion.	Shearer.
Houston.	Simpson.
Hughes.	Sparkman.
Johnson.	Stiernberg.
Jones.	Storey.
Laird.	Strickland.
Looney.	Thrasher.
McFarlane.	Turner.
Montgomery.	Vaughan.
Moore.	Wallace.
Pate.	Williamson.
Price.	Wilmans.

Absent—Excused.

Atkinson.	Lamb.
Blount.	Lusk.
Carter of Coke.	Merriman.

Mr. Winfree moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

SENATE BILL NO. 63 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 63, A bill to be entitled "An Act providing for the execution of convicts, condemned to death, by electrocution; prescribing the procedure in such cases; providing the means for accomplishing the purposes of this act and making an appropriation therefor; prescribing fees to be paid; repealing certain statutes with saving clauses, and all laws or parts of laws in conflict herewith, and declaring an emergency."

The bill was read third time.

Mr. McDonald offered the following amendment to the bill:

Amend Senate bill No. 63, page 2, Section 6, by striking out the words "inside the walls of" and inserting the word "at."

The amendment was adopted.

Senate bill No. 63 was then finally passed.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, May 14, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 113, A bill to be entitled "An Act making appropriation to supplement the mileage and per diem fund and contingent expense fund of the Second Called Session of the Thirty-eighth Legislature, convened on the 16th day of April, 1923, by proclamation of the Governor; providing how accounts may be approved, and declaring an emergency."

Respectfully,
RICHARD BLALOCK,
Assistant Secretary of the Senate.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, May 14, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the Free Conference Committee report on House bill No. 1 by a vote of 26 yeas and 3 nays.

The Senate has adopted the Free Conference Committee report on House bill No. 25.

Respectfully,
RICHARD BLALOCK,
Assistant Secretary of the Senate.

SENATE BILL NO. 82 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 82, A bill to be entitled "An Act to create and provide for a Department of Banking for the State of Texas, separate from the Department of Insurance of this State; to provide for the appointment, term of office, official name, compensation and to prescribe the qualifications, powers and duties of the head of such department; providing for a seal of office; requiring of the Banking Commissioner of Texas an oath of office and a bond for the faithful discharge of his duties; providing for the appointment of a Deputy Commissioner of Banking, defining his duties, fixing his compensation, requiring of him an oath of office and a bond for the faithful discharge of the duties of his office; providing clerical help for such department; providing for the appointment of State Bank examiners, fixing their number, salaries and duties; providing for the number of examinations that shall be made by State examiners of State banks, fixing the fees they shall be paid for such examina-

tions, and providing how payments for salaries and expenses of examinations shall be made; providing for the appointment of a departmental examiner, prescribing his duties and fixing his compensation; providing for the appointment of a general liquidating agent, prescribing his duties and fixing his compensation; amending Chapter 10, General Laws of Texas passed by the First Called Session of the Twenty-ninth Legislature in 1905, being Senate bill No. 6, and amending Section 38 of said Chapter 10; amending Chapter 205, General Laws of the Thirty-fifth Legislature passed at the Regular Session in 1917, and amending Section 5 of said Chapter 205; amending Chapter 15 of the Second Called Session of the Thirty-first Legislature passed in 1909, being Senate bill No. 4; amending Articles 518, 519, 521, 521a and 522, Revised Civil Statutes of 1911 and amendments thereof, as amended by the Acts of the Thirty-first Legislature at its Regular Session in 1909, being Section 44 of Chapter 15 of Senate bill No. 4, and Article 521a, Revised Civil Statutes of 1911 and amendments thereof as amended by Chapter 205, Section 7, Acts of the Thirty-fifth Legislature, at its Regular Session in 1917; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read third time, and was passed.

SENATE BILL NO. 90 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 90, A bill to be entitled "An Act making available to the Board of Control any moneys which represent any unexpended balance of any appropriation made for support and maintenance of the American Legion Memorial Sanatorium, so that such moneys may be used to pay any necessary expense incident to the carrying out of the lease of said sanatorium to the Federal government, and transferring patients to the institution, and taking care of other patients unable to be transferred, and declaring an emergency."

The bill was read third time, and was passed.

SENATE BILL NO. 91 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 91, A bill to be entitled "An Act creating the Texas Historical Board; defining its powers and duties, fixing the tenure of office of its members, and declaring an emergency."

The bill was read third time, and was passed.

SENATE BILL NO. 98 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 98, A bill to be entitled "An Act to amend Articles 4256 and 4257 of an act entitled Guardian and Ward, Chapter 17, Title 64 of the Revised Civil Statutes of Texas, 1911, providing for the appointment and qualification of non-resident guardians of the estate of non-resident minors in the State of Texas; prescribing the procedure in such cases; fixing the amount of bond of such guardians; providing for the removal out of the State of Texas of personal property of such estate; providing for the sale of real property belonging to such estates and removal of the proceeds thereof; providing for the procedure in such sales, and validating the proceedings heretofore taken under Chapter 7, Title 64, Revised Civil Statutes of Texas, 1911, and as since amended, qualifying such guardians, and sales of real estate heretofore made by such non-resident guardians, made in accordance with the provisions of Chapters 11 and 12, Title 64, Revised Civil Statutes of Texas, 1911, and as since amended, and to repeal all laws in conflict herewith, and declaring an emergency."

The bill was read third time, and was passed.

SENATE BILL NO. 99 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 99, A bill to be entitled "An Act to amend Chapter 2, Title 65, Revised Statutes of 1911, by adding thereto Article 4352a, pertaining to the registration of bonds, and prescribing the duties with reference thereto of the Comptroller, his chief clerk and bond clerk, and validating registration of bonds heretofore registered, and declaring an emergency."

The bill was read third time and was passed.

SENATE BILL NO. 110 ON THIRD
READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 110, A bill to be entitled "An Act fixing the compensation of county commissioners in counties having a population of not less than sixteen thousand five hundred nor more than seventeen thousand five hundred according to the last United States census, and which have an area of not less than eleven hundred and fifty square miles nor more than twelve hundred square miles, and declaring an emergency."

The bill was read third time and was passed.

SENATE BILL NO. 89 ON THIRD
READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 89, A bill to be entitled "An Act to create and provide for a Department of Insurance for the State of Texas, separate and distinct from the Department of Banking of this State; vesting therein and giving to it jurisdiction of all matters, things, powers and functions of the Department of Insurance and Banking, except such as may have been divested therefrom and vested in the Department of Banking, and giving to it all the powers, jurisdiction, things and functions now vested in the State Insurance Commission; providing that the present two commissioners shall continue to hold their respective positions until their successors are appointed and qualified as now provided by law; and providing for the appointment, term of office, name, compensation, and prescribing the qualifications, powers and duties of the Commissioner of Insurance. The purposes of this act being to consolidate the State Insurance Commission with the department herein created, without changing the personnel, powers, jurisdiction and functions, duties and rights of said Commission other than is herein expressly provided. To require of the Commissioner of Insurance and the two commissioners an oath of office and a bond for the faithful discharge of their duties. The department hereby created shall be known as the Department of Insurance, and shall be composed of three members. The Commissioner of Insurance herein provided for shall be the chairman and the presiding officer of said Commission.

Each of the other two members of said Commission shall be designated and known as commissioners, and giving to the Commission all powers to name and appoint all necessary actuaries, stenographers, clerks and other employees, and to discharge same when necessary, requisite to the efficient carrying out of the provision of this act; providing that the salaries of the Commission and of all employees in said department and all the expenses of same shall be paid out of the general revenues of this State, as is now provided by law; providing that the members of the Commission and the employees of said department shall be placed and held under a rule of civil service as near as possible; providing that no commissioner or employee shall be interested in any insurance company except as an insured; providing that if any section of this act is declared unconstitutional it shall not invalidate the remainder thereof, declaring the purposes of this act, and declaring an emergency."

The bill was read third time.

Mr. Bonham offered the following amendment to the bill:

Amend Senate bill No. 89, as substituted, Section 1, line 7, by striking out "a State officer" and inserting in lieu thereof "three State officers," and by changing the word "commissioner" wherever it appears in said bill to "commissioners."

The amendment was lost.

Mr. Patman moved to reconsider the vote by which the amendment was lost, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Bonham offered the following amendment to the bill:

Amend Senate bill No. 89, Section 2, by changing the "a" at the end of line 4 of said section to "three," and by striking out the "a" in line 6 of said section and changing "citizen" in said line to "citizens."

The amendment was lost.

Mr. Bonham offered the following amendment to the bill:

Amend Senate bill No. 89, Section 3, lines 2 and 4 of said section, by changing "his" to "theirs."

Mr. Young moved to table the amendment and the motion to table was lost.

Question recurring on the amendment, it was lost.

Mr. Bonham offered the following amendment to the bill:

Amend Senate bill No. 89, Section 4, by changing the compensation therein

stated from "six thousand dollars" to "four thousand dollars each."

The amendment was lost.

Mr. Westbrook offered the following amendment to the bill:

Amend Senate bill No. 89 by striking out Section 13.

Mr. Davenport moved the previous question on the pending amendment and the bill, and the main question was ordered.

Question first recurring on the amendment, it was lost.

Question then recurring on the final passage of the bill, yeas and nays were demanded.

Senate bill No. 89 then failed to pass by the following vote:

Yeas—10.

Abney.	Culp.
Carpenter	McDaniel.
of Dallas.	Patman.
Carpenter	Smith.
of Matagorda.	Thompson.
Carson.	Young.

Nays—86.

Amsler.	Howeth.
Arnold.	Hull.
Avis.	Jennings.
Baker of Milam.	Lackey.
Baldwin.	Lane.
Barker.	LeMaster.
Barrett.	LeStourgeon.
Beasley.	Lewis.
Bell.	Loftin.
Bird.	Looney.
Bobbitt.	McBride.
Bonham.	Martin.
Bryant.	Mathes.
Burmeister.	Melson.
Cable.	Miller.
Carter of Hays.	Moore.
Chitwood.	Morgan
Coffee.	of Robertson.
Collins.	Patterson.
Covey.	Perdue.
Cowen.	Pinkston.
Crawford.	Pool.
Davenport.	Pope.
DeBerry.	Potter.
Dodd.	Price.
Downs.	Purl.
Driggers.	Quaid.
Duffey.	Rice.
Dunn.	Robinson.
Faubion.	Rogers.
Fields.	Rowland.
Finlay.	Russell
Frnka.	of Callahan.
Gipson.	Sackett.
Green.	Satterwhite.
Hardin of Erath.	Shearer.
Harrington.	Shires.

Sparkman.	Sweet.
Stell.	Teer.
Stewart	Thrasher.
of Edwards.	Wells.
Stewart	Westbrook.
of Galveston.	Wessels.
Storey.	Wilson.
Stroder.	Winfree.

Present—Not Voting.

Mr. Speaker.	Simpson.
Dunlap.	Stiernberg.
Maxwell.	

Absent.

Baker of Orange.	Laird.
Davis.	McDonald.
Dielmann.	McFarlane.
Dinkle.	McKean.
Durham.	McNatt.
Edwards.	Merritt.
Fugler.	Montgomery.
Greer.	Morgan
Hardin	of Liberty.
of Kaufman.	Pate.
Harris.	Quinn.
Henderson	Russell of Trinity.
of Marion.	Sanford.
Henderson	Stevens.
of McLennan.	Stewart of Jasper.
Hendricks.	Stewart of Reeves.
Houston.	Strickland.
Hughes.	Turner.
Irwin	Vaughan.
Jacks.	Wallace.
Johnson.	Williamson.
Jones.	Wilmans.
Kemble.	

Absent—Excused.

Atkinson.	Lamb.
Blount.	Lusk.
Carter of Coke.	Merriman.

BILLS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

H. B. No. 132, "An Act to incorporate Farmersville Independent School District in Collin county, Texas, for free school purposes only; defining its boundaries; divesting the city of Farmersville of the control of its public free schools and of its school property and vesting the same in said independent school district and its board of trustees; providing that all funds belonging or owing to said city schools inure to the benefit of said independent school district, and that all contracts made by the board of trustees of said city schools shall be carried out by the board of

trustees of said independent school district, but that said district shall never be liable for any indebtedness of said city; providing for a board of trustees for said district and describing the rights, powers and duties of said independent school district, and declaring an emergency."

H. B. No. 116, "An Act creating the Rock Springs Independent School District in Edwards county, Texas; defining its metes and bounds, providing a board of trustees therefor, for raising revenue, issuing bonds, vesting it with the rights, powers and duties of districts incorporated for school purposes only under the general laws of the State of Texas; providing for an election to assume the outstanding bonds of the Rocksprings Common School District, and declaring an emergency."

H. B. No. 113, "An Act to create the Tarpley Independent School District in Bandera county, Texas; providing a board of trustees therefor; vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the general laws of Texas; providing that the board of trustees of the existing school in said district shall continue to act as such until their successors are elected in accordance with the provisions of this act, and declaring an emergency."

H. B. No. 83, "An Act creating, establishing and incorporating Common School District No. 17 in Hidalgo county, Texas, containing a portion of the territory in Hidalgo county, Texas, heretofore embraced in Common School District No. 15; describing the metes and bounds thereof; placing said Common School District No. 17 under the jurisdiction of Hidalgo county; providing for the selection of a board of trustees by the Hidalgo county board of trustees, to hold office until the next regular election, and providing for the election of trustees thereafter; vesting said district and board of trustees with all the school affairs therein as conferred and imposed by general laws upon common school districts and boards of trustees thereof, organized under the general laws of Texas; vesting the school property situated in said Common School District No. 17 and all uncollected taxes, claims and causes of action, legally or equitably belonging to Common School District No. 15 with-

in the territory embraced herein and validating and confirming same in Common School District No. 17; providing for the assumption by Common School District No. 17 of its pro rata share based upon the value that the lands herein embraced now bear to the aggregate value of all lands formerly comprising Common School District No. 15, of certain bonded indebtedness existing against said Common School District No. 15; providing that the enactment of this law shall not invalidate any local school taxes heretofore voted and now in force in the territory herein incorporated, and ratifying, confirming and adopting as valid and subsisting against this district any such taxes; repealing all laws in conflict herewith; making this act cumulative of the general laws of the State of Texas, and declaring an emergency."

H. B. No. 79, "An Act creating the Montague Independent School District in Montague county, Texas; defining its boundaries, including the Montague Independent School District No. 7; divesting Montague Independent School District No. 7 of title to all school property in said district, and vesting the same in the Montague Independent School District and its board of trustees; conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws of Texas upon independent school districts and the board of trustees thereof, and declaring an emergency."

H. B. No. 78, "An Act creating and defining the Ringgold Independent School District, Montague county, Texas, out of the territory known as Ringgold Independent School District in Montague county, Texas, for free school purposes only, and defining its boundaries; providing for the extension of its boundaries; repealing Chapter 44, House bill No. 540, Local and Special Laws, Thirty-sixth Legislature, passed at its Regular Session; vesting the Ringgold Independent School District, Montague county, Texas, with the exclusive control of its public free schools and vesting the title to all property in said district; providing for the present trustees to continue in office for the term to which elected, and conferring upon the board plenary powers; providing for the levying, assessing and collecting of taxes for the maintenance of public free schools in said district; pro-

viding authority to appoint a board of equalization in said district, and defining its duties and powers; providing authority for the board of trustees to issue bonds for the purpose of purchasing school buildings, sites, and erecting and equipping school buildings within said district, and to levy taxes therefor; providing means by which the collection of delinquent taxes may be facilitated; providing that the bonds heretofore issued by the Ringgold Independent School District shall be a charge against the district herein created; and that all outstanding indebtedness owing by the said district shall likewise be charged against the district herein created; providing for the repeal of all laws in conflict with any provision hereof and further providing that if any section or part hereof is at any time declared to be unconstitutional, it should not affect the other provisions hereof, and declaring an emergency."

H. B. No. 222, "An Act creating and establishing the Lindsey County Independent School District in Lubbock and Hockley counties, Texas; defining its boundaries; providing for the election of boards of trustees to manage and control the school of said district; authorizing said district to issue bonds, and to assume the payment of parts of the outstanding indebtedness against the school district affected by this act; and investing said district with the rights, powers, privileges and duties of independent school districts organized or existing under general laws of the State, and declaring an emergency."

H. B. No. 215, "An Act validating Common School District No. 11, Bailey county, and declaring an emergency."

H. B. No. 190, "An Act correcting the boundaries of the present Hale Center Independent School District; providing for payment of bonds issued by the present district; limiting area to be furnished free transportation, and declaring an emergency."

H. B. No. 205, "An Act amending House bill No. 616, enacted into law at the Regular Session of the Thirty-eighth Legislature, by which Union Hill Independent School District in Swisher county was created, so as to increase the territory contained in said district, and defining the boundary thereof; defining more fully the powers of said district and the board of trustees; providing for the continuing in office of the trustees of Union Hill Consolidated

Common School District in Swisher county as trustees of this, its immediate succeeding district; providing for an election to adjust all territory contained in said district as herein created, which may have been added to this district or to Union Hill Consolidated Common School District, to adjust any school bond taxes or special school taxes theretofore voted by Union Hill Consolidated Common School District, and for the assumption by said Union Hill Independent School District of its pro rata of taxes payable by any added territory on account of any outstanding bond issues existing against school districts of which such added territory may have heretofore formed a part; providing for the adding of additional territory by the trustees of said district, and declaring an emergency."

H. B. No. 218, "An Act creating Westover Independent School District of Baylor county; defining the powers of said district; providing for the organization of said district; providing for the election to determine whether the several outstanding obligations which may exist against the several portions of territory embraced in this district shall be assumed in whole and pro rata by this district and taxes levied upon the property of this district to provide for such indebtedness and the pro rata thereof, and declaring an emergency."

H. B. No. 213, "An Act enlarging Woodson Independent School District of Throckmorton and Stephens counties; defining the boundaries and prescribing the powers thereof; and for the assumption by said district of the bonded indebtedness now existing against the present Woodson Independent School District and for adjusting the territory of said district as enlarged to such special taxes as may have been voted by the present said district."

H. B. No. 197, "An Act amending Section 8 of Chapter 44, Local and Special Laws of the Regular Session of the Thirty-eighth Legislature of the State of Texas, creating the Southland Independent School District in the counties of Garza, Lynn and Lubbock, in the State of Texas, so as to change said section of said law to provide for the issuance of bonds for building purposes in said district to bear interest not to exceed 6 per cent per annum, and declaring an emergency."

H. B. No. 129, "An Act to amend

Section 6 of Chapter 19, Special Laws of the Thirty-second Legislature, First Called Session, 1911; relating to the powers and privileges of the Buda Independent School District, and declaring an emergency."

H. B. No. 133, "An Act to create the Plano Independent School District in Collin county, Texas, including the present Plano Independent School District and the Finger-ring Common School District of said county; providing a board of trustees therefor; vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the general laws of Texas; providing that the board of trustees of the present Plano Independent School District shall continue to act as such until their successors are elected as provided herein; divesting the city of Plano of the control of the public schools of the district, as created by this act, and declaring an emergency."

H. B. No. 70, "An Act amending Article 5980, relating to bonds of navigation and canal commissioners; Article 5995, relating to contractors' bond to navigation and canal commissioners; Article 5997, relating to payments to contractors during progress of work; Title 96, Revised Civil Statutes of Texas, 1911, so that articles shall hereafter read as herein provided; and further amending Section 11 of Chapter 30, Acts of 1921. General Laws of the State of Texas, First Called Session, Thirty-seventh Legislature, relating to navigation districts, so that said Section 11 may hereafter read as herein provided; and providing that the constitutionality of any part of this act does not invalidate the remainder; prescribing that all laws, or parts of laws in conflict herewith are repealed, and declaring an emergency."

H. B. No. 115, "An Act providing for the collection of delinquent taxes of levee improvement districts; providing a method of procedure therefor, and declaring an emergency."

H. B. No. 144, "An Act creating the Hopewell Independent School District in Smith county, Texas; defining its boundaries, including the present Common School District No. 24; providing for a board of trustees in said district; conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws upon independent school districts and boards of

trustees thereof; providing that the management and control of the public free schools of said district shall be vested in a board of trustees composed of seven persons, and providing for the election and qualification of said trustees; providing for the assumption by said district of the outstanding bonded indebtedness heretofore voted in Hopewell Common School District No. 24; providing for the appointment of a tax assessor and collector and board of equalization for said district, and declaring an emergency."

H. B. No. 139, "An Act to amend Section 2 of House bill No. 606 of the laws passed at the Regular Session of the Thirty-eighth Legislature, 1923, by changing the time and terms of holding court in the Sixty-third Judicial District so that Section 2 of said act shall hereafter read as follows, and declaring an emergency."

H. B. No. 177, "An Act to regulate and supervise and prevent fraud in the sale, purchase and disposition in the State of Texas of stocks, stock certificates, bonds, debentures or other securities and the transaction of business in this State of persons, joint stock companies, brokers, agents, co-partnerships, or other companies, individuals or other organizations, offering for sale or selling in this State such securities, excepting companies incorporated under the laws of the State of Texas; granting additional authority and power to the Railroad Commission of Texas and placing the administration of this act under its control and supervision; defining what shall constitute violations of this act and fixing penalties and punishments therefor; making appropriations to carry out the provisions of this act; specifying that this act shall be known and cited as the 'Blue Sky Law of Texas'; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 135, "An Act creating the Balmorhea Independent School District in Reeves county, Texas; defining its boundaries, including the present Common School District No. 4; providing for a board of trustees in said district; conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws upon independent school districts and the boards of trustees thereof; providing that the management and control of the public free schools of said districts shall be vested in a board of trustees composed

of seven persons, and providing for the election and qualification of said trustees; providing for the assumption by said district of the outstanding bonded indebtedness heretofore voted in La Loma Common School District No. 4; providing for the appointment of a tax assessor and collector and board of equalization for said district, and declaring an emergency."

H. B. No. 165, "An Act to validate Simons Common School District No. 7 in Grayson county, Texas, as redefined and re-established by order of the county school trustees of Grayson county, Texas, on February 12, 1923, and Common County Line School District No. 8, as redefined and re-established by an order of the county school trustees of Grayson county, Texas, on February 12, 1923, and by an order of the county school trustees of Collin county, Texas, on February 13, 1923, and declaring an emergency."

H. B. No. 150, "An Act creating the Indian Creek Independent School District in Roberts county, Texas, and defining its boundaries; providing for the creation of a board of trustees to manage and control the public free schools within said district; their mode of election and tenure of office; conferring upon said trustees all the rights, powers and privileges and imposing all the duties now conferred and imposed by the general laws of the State upon independent school districts and the board of trustees; providing for the raising of revenues, issuing bonds, and levying, assessing and collecting taxes, for building and maintaining public free schools in said district; providing for the appointing of a board of equalization; providing for the filling of vacancies of such board; for the election of superintendents and other employees, and the compensation of the members of said board; for a seal and its use and for the administration of oaths by the president and secretary; for the assessment and collection of taxes, and the regulation of same; for the maturity and for a lien and foreclosure upon the property for taxes; adopting the provisions of existing and hereinafter enacted State laws; providing for all laws in conflict herewith are repealed and that invalidity of any portion hereof shall not impair the remainder of this act."

H. B. No. 178, "An Act creating Herring Hightower County Line Independent School District, embracing therein territory in Parker and Hood counties;

defining its boundaries, and its powers and authority and providing for its organization under the general laws."

H. B. No. 181, "An Act validating Common School District No. 3 of Bailey county as defined and attempted to be created by the county board of school trustees of Bailey county on February 14, 1921, and validating all bond issues and special taxes which may have been voted by said district, and providing for an election to adjust all territory therein contained or which may have been added to said district by the said order, to provide for the collection of all taxes which may have been theretofore levied upon the property of said Common School District No. 3 and for an assumption by said common school district of the pro rata of taxes to which any territory added to said district by said order of February 14, 1921, may be subject by reason of any outstanding bond issue or issues previously voted by any school district or school districts of which such added territory may have theretofore formed part, and declaring an emergency."

H. B. No. 33, "An Act making it an offense to drive an automobile or any motor driven vehicle upon the streets of any incorporated city, town or village or upon the public highways under the influence of intoxicating liquor, and declaring an emergency."

S. B. No. 94, "An Act creating the Gladewater County Line Independent School District in Gregg and Upshur counties, Texas; defining its boundaries; providing for a board of trustees of said district; conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws of Texas upon independent school districts and the boards of trustees thereof, including power to extend its boundaries; providing that all bonds heretofore voted in said district shall remain in full force and effect against the territory of said district which voted same; providing for the assumption of said bonds by said district; providing for payment of its proportion of the bonded indebtedness of Union Grove Common School District; providing for appointment of tax assessor and collector and board of equalization, and declaring an emergency."

S. B. No. 84, "An Act to create the Roscoe Independent School District in Nolan county, Texas, including the present Roscoe Independent School District;

providing a board of trustees therefor; vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the general laws of Texas for school purposes only; providing that the board of trustees of the present Roscoe Independent School District shall continue to act as such until their successors are elected in accordance with the provisions of this act and the general laws of Texas, and declaring an emergency."

H. B. No. 236, "An Act authorizing steam or electric railway companies, street railway companies, interurban railway companies and other chartered transportation companies, or persons or associations of persons operating the same, or the receivers or lessees thereof, or their officers, agents or employes to issue free transportation to ministers of religion in this State when making intrastate trips; defining ministers of religion, and declaring an emergency."

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 1.

Mr. Beasley called up, for consideration at this time, the following report:

Committee Room,
Austin, Texas, May 14, 1923.

Hon. T. W. Davidson, President of the Senate, and Hon. R. E. Seagler, Speaker of the House of Representatives.

Sirs: Your conference committee appointed to consider the difference between the two houses upon

H. B. No. 1, A bill to be entitled "An Act levying an occupation tax upon the right and privilege of producing oil in this State by taking same from the earth; defining the words 'person,' 'market value' and 'oil'; levying such tax against those engaged in such production; requiring reports to be made in order to ascertain the amount of said tax due the State; prescribing penalties for failure to comply with the act requiring reports to be made and requiring said tax to be paid within a certain time; making necessary provision for carrying into effect the act and accomplishing its purpose; amending Article 7383, Chapter 2, of Title 126, of the Revised Civil Statutes of 1911, as amended, and declaring an emergency."

Have met and after full and free conference have agreed and do hereby make

the recommendation that the attached bill be substituted in lieu of the original bill passed by both houses of the Thirty-eighth Legislature, all of which is respectfully submitted.

JOHNSON,
PATTERSON,

MORGAN of Liberty,

On the part of the House.

COUSINS,

WITT,

BURKETT,

HOLBROOK,

On the part of the Senate.

Conference Committee Substitute for
House Bill No. 1.

A BILL

To Be Entitled

An Act levying an occupation tax upon the right and privilege of producing oil in this State by taking same from the earth; defining the words 'person,' 'market value' and 'oil'; levying such tax against those engaged in such production; requiring reports to be made in order to ascertain the amount of said tax due the State; prescribing penalties for failure to comply with the act requiring reports to be made and requiring said tax to be paid within a certain time; making necessary provision for carrying into effect the act and accomplishing its purpose; amending Article 7383, Chapter 2, of Title 126, of the Revised Civil Statutes of 1911, as amended, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 7383 of Chapter 2, Title 126, of the Revised Civil Statutes of the State of Texas of 1911, as amended, is hereby amended so as to hereafter read as follows:

"Article 7383. (1) Each and every person owning, controlling, managing, operating or leasing in this State any oil well, or any person who produces in any other manner any oil by taking it from the earth in this State, shall make quarterly on the first days of January, April, July and October of each year, a report to the Comptroller of Public Accounts, under oath of such person (or if the producer is other than a natural person, under oath of the president, treasurer, superintendent or person in charge of such production), showing the total amount of oil produced by such

person from each well, or otherwise, during the quarter next preceding and the average market value thereof during said quarter. Each such person on said first days of January, April, July and October shall pay to the Treasurer of the State of Texas an occupation tax for the quarter beginning on said date equal to two per cent (2%) of the value of the total amount of oil produced in this State by such person during the quarter next preceding such first days of January, April, July and October at the average market value thereof.

(2) Each and every person mentioned and included in subdivision (1) of this article shall make, keep and preserve a full and complete record of all such oil produced in this State during the time so engaged in its production and said record shall be open at all times to the inspection of all tax officers of this State, and any person failing to comply with this requirement shall be subject to a penalty not less than five hundred (\$500) dollars and not more than fifteen hundred (\$1500) dollars, payable to the State of Texas, and such penalty shall accrue for each ten days of failure to comply with this subdivision of said article, and such penalty shall accrue for failure to comply with this subdivision with reference to each separate oil well.

(3) In each report required to be made by this article such person making the same shall show in detail the disposition made of any such oil, if disposed of, and if not shall show where it is stored. Said report shall show to whom any such oil was sold or delivered, the date of sale and delivery, the amount delivered to each, and shall show the name and location of the person, refinery, pipe line, establishment, plant, factory, railroad, institution or place to which or to whom delivery was made.

(4) The word "person" as used in this article or act shall include person, firm, concern, receiver, receivers, trustee, executor, administrator, agent, institution, association, partnership, company, corporation, and persons acting under declarations of trust as well as the trustees acting under such declarations of trust.

(5) The market value of oil as that term is used herein shall be the actual market value of the same, and among other things proper to be considered, any bonus or premium paid or which the oil will reasonably bring shall not be

excluded in arriving at the market value.

(6) Any person failing to make proper and accurate report for thirty days from the date when said report is required herein to be made, shall forfeit and pay to the State of Texas a penalty of ten per cent (10%) of the amount of the tax due for the quarter for which said report is required by law to be made.

(7) Any person failing to pay any tax provided for herein within thirty days from the date when said tax is required herein to be paid, shall forfeit and pay to the State of Texas a penalty of ten per cent (10%) upon the amount of such tax and six per cent (6%) interest upon the amount of such tax and penalty from date when due and payable until paid.

(8) The word "oil" as used in this act means petroleum oil, mineral oil, or other oil taken from the earth.

(9) For the occupation tax, penalties and interest herein provided for the State shall have a lien on any leasehold interest, ownership of the oil rights or interest, owned by the person owing any tax herein provided for."

Sec. 2. If any provision of this act should be held to be invalid, it is hereby declared to be the intention of the Legislature that all other portions of the act shall remain in force and effect.

Sec. 3. The fact that there is no adequate law in this State levying an occupation tax based upon the gross production of oil in the State of Texas, and the fact that the change in the law herein made should take effect as soon as possible in order that those engaged in oil production may as soon as possible be required to contribute to the support of the State government to the extent herein provided for, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and that this act shall take effect and be in force from and after its passage, and said rule is hereby suspended, and it is so enacted.

Mr. Beasley moved that the House do not adopt the report, and that another conference committee be appointed, and that the Senate be requested to appoint another conference committee to adjust the differences between the two houses on the bill.

Mr. Patterson moved that the House do adopt the report.

Mr. Beasley moved to table the motion of Mr. Patterson.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—77.

Baker of Milam.	Melson.
Barker.	Merritt.
Barrett.	Miller.
Beasley.	Moore.
Bell.	Morgan
Bird.	of Robertson.
Bonham.	Pate.
Bryant.	Patman.
Cable.	Perdue.
Coffee.	Pinkston.
Crawford.	Potter.
Culp.	Price.
DeBerry.	Rice.
Dinkle.	Robinson.
Dodd.	Rowland.
Driggers.	Russell of Trinity.
Duffey.	Sackett.
Dunlap.	Sanford.
Dunn.	Satterwhite.
Durham.	Shires.
Faubion.	Simpson.
Fields.	Sparkman.
Finlay.	Stell.
Frnka.	Stevens.
Fugler.	Stewart
Green.	of Edwards.
Greer.	Stewart of Jasper.
Hardin of Erath.	Stewart of Reeves.
Harrington.	Sweet.
Howeth.	Teer.
Hull.	Thompson.
Jennings.	Thrasher.
Lane.	Wallace.
LeSturgeon.	Westbrook.
Lewis.	Wessels.
Looney.	Wilmons.
McBride.	Wilson.
McDaniel.	Winfree.
McNatt.	Young.
Mathes.	

Nays—36.

Arnold.	Lackey.
Avis.	LeMaster.
Baker of Orange.	Loftin.
Baldwin.	McDonald.
Bobbitt.	McKean.
Burmeister.	Martin.
Carpenter	Maxwell.
of Dallas.	Morgan
Carpenter	of Liberty.
of Matagorda.	Patterson.
Carson.	Pool.
Collins.	Purl.
Covey.	Quaid.
Cowen.	Quinn.
Davenport.	Rogers.
Gipson.	Russell
Harris.	of Callahan.

Shearer.	Stiernberg.
Smith.	Storey.
Stewart	Stroder.
of Galveston.	

Present—Not Voting.

Abney.	Pope.
Amsler.	
	Absent.
Carter of Hays.	Irwin.
Davis.	Jacks.
Dielmann.	Johnson.
Downs.	Jones.
Edwards.	Kemble.
Hardin	Laird.
of Kaufman.	McFarlane.
Henderson	Montgomery.
of Marion.	Strickland.
Henderson	Turner.
of McLennan.	Vaughan.
Houston.	Wells.
Hughes.	Williamson.

Absent—Excused.

Atkinson.	Lamb.
Blount.	Lusk.
Carter of Coke.	Merriman.

Paired.

Mr. Chitwood (present) who would vote "nay," with Mr. Hendricks (absent), who would vote "yea."

Question then recurring on the motion by Mr. Beasley, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—81.

Baker of Milam.	Finlay.
Barker.	Frnka.
Barrett.	Fugler.
Beasley.	Green.
Bird.	Greer.
Bobbitt.	Hardin of Erath.
Bonham.	Harrington.
Bryant.	Howeth.
Cable.	Hull.
Carson.	Jennings.
Coffee.	Lane.
Crawford.	LeSturgeon.
Culp.	Lewis.
Davenport.	Looney.
DeBerry.	McBride.
Dinkle.	McDaniel.
Dodd.	McNatt.
Driggers.	Mathes.
Duffey.	Melson.
Dunlap.	Merritt.
Dunn.	Miller.
Durham.	Moore.
Faubion.	Morgan
Fields.	of Robertson.

Pate.	Stell.
Patman.	Stevens.
Perdue.	Stewart
Pinkston.	of Edwards.
Pope.	Stewart of Jasper.
Potter.	Stewart of Reeves.
Price.	Sweet.
Rice.	Teer.
Robinson.	Thompson.
Rogers.	Thrasher.
Rowland.	Wallace.
Russell of Trinity.	Westbrook.
Sackett.	Wessels.
Sanford.	Wilmans.
Satterwhite.	Wilson.
Shires.	Winfree.
Simpson.	Young.
Sparkman.	

Nays—32.

Arnold.	Martin.
Avis.	Maxwell.
Baker of Orange.	Morgan
Baldwin.	of Liberty.
Burmeister.	Patterson.
Carpenter	Pool.
of Dallas.	Purl.
Carpenter	Quaid.
of Matagorda.	Quinn.
Collins.	Russell
Covey.	of Callahan.
Cowen.	Shearer.
Gipson.	Smith.
Harris.	Stewart
Lackey.	of Galveston.
LeMaster.	Stiernberg.
Loftin.	Storey.
McDonald.	Stroder.
McKean.	

Present—Not Voting.

Abney.

Absent.

Bell.	Irwin.
Carter of Hays.	Jacks.
Davis.	Johnson.
Dielmann.	Jones.
Downs.	Kemble.
Edwards.	Laird.
Hardin	McFarlane.
of Kaufman.	Montgomery.
Henderson	Strickland.
of Marion.	Turner.
Henderson	Vaughan.
of McLennan.	Wells.
Houston.	Williamson.
Hughes.	

Absent—Excused.

Atkinson.	Lamb.
Blount.	Lusk.
Carter of Coke.	

Paired.

Mr. Amsler (present), who would vote "yea," with Mr. Merriman (absent), who would vote "nay."

Mr. Chitwood (present), who would vote "nay," with Mr. Hendricks (absent), who would vote "yea."

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, May 14, 1923.

Hon. R. E. Seagler, President of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. J. R. No. 2, Relating to the convict labor in the State penitentiary.

The Senate has passed the following bills:

H. B. No. 23, A bill to be entitled "An Act for the purpose of promoting the public school interests of rural schools and those of small towns, of aiding the people to provide adequate school facilities for the education of their children, by the appropriation of two million dollars per year, or so much thereof as may be necessary, for the next two fiscal years ending August 31, 1924, and August 31, 1925, respectively; allowing the State Board of Education and the State Superintendent of Public Instruction to aid such schools in accordance with the conditions herein specified; providing how such schools shall be located and school buildings constructed, furnished and maintained; providing certain prerequisites for the granting of such aid, and providing no school having over five hundred scholastics shall receive such aid; giving preference to all school districts in which the available school fund, together with the local district tax, will not maintain the school six months in the year; limiting the amount which any school may receive; providing for aid for schools where extraordinary conditions prevent school from meeting stated requirements; providing assistance for such rural schools as will afford instruction and demonstration in home and farm vocations, according to plans approved by the State Department of Education; providing assistance for small districts which effect consolidation during two fiscal years; providing for the expenses of administration by action of the State Board of Education; providing for re-

ports to be made to the State Superintendent of Public Instruction and to the State Board of Education; providing for the manner of payment and disbursement of all money granted under the provisions of this act; repealing all laws and parts of laws in conflict herewith," with amendments.

H. B. No. 60, A bill to be entitled "An Act to amend Section 12 of Chapter 190, Acts of the Regular Session of the Thirty-fifth Legislature, as amended by Section 1 of Chapter 71 of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, which section relates to the allotment of highway funds in road construction, so as to provide for authority to increase the allotment of such funds to aid in the construction of highways in the different counties, and to use said funds for maintenance purposes under certain conditions, and declaring an emergency," with amendments.

H. B. No. 7, A bill to be entitled "An Act to appropriate six million (\$6,000,000) dollars out of the general funds of the State to aid all the public schools for the scholastic years beginning September 1, 1923, and ending August 31, 1925, the same to be distributed as the available school funds are now distributed," with amendments.

Respectfully,

RICHARD BLALOCK,

Assistant Secretary of the Senate.

MOTION TO TAKE UP SENATE BILL NO. 49.

Mr. Melson moved that the constitutional rule requiring bills to be read on three several days be suspended, and that Senate bill No. 49 be placed on its third reading and final passage.

The motion was lost by the following vote, not receiving the necessary four-fifths vote:

Yeas—64.

Amsler.	Chitwood.
Arnold.	Coffee.
Baker of Milam.	Davenport.
Baker of Orange.	Dinkle.
Baldwin.	Driggers.
Barrett.	Durham.
Beasley.	Faubion.
Bell.	Fields.
Bird.	Gipson.
Bonham.	Greer.
Bryart.	Hardin of Erath.
Carpenter	Harrington.
of Dallas.	Hull.
Carson.	Lane.

LeMaster.	Shearer.
LeSturgeon.	Shires.
Looney.	Simpson.
McKean.	Smith.
Mathes.	Sparkman.
Maxwell.	Stell.
Melson.	Stewart
Miller.	of Edwards.
Morgan	Stewart
of Liberty.	of Galveston.
Pate.	Stewart of Reeves.
Patman.	Stiernberg.
Perdue.	Stroder.
Pool.	Sweet.
Pope.	Teer.
Potter.	Thrasher.
Price.	Wells.
Rogers.	Wilmans.
Russell of Trinity.	Winfree.
Satterwhite.	Young.

Yeas—39.

Abney.	McDonald.
Avis.	McNatt.
Barker.	Martin.
Burmeister.	Merritt.
Cable.	Moore.
Carpenter	Pinkston.
of Matagorda.	Quaid.
Collins.	Rice.
Covey.	Rowland.
Cowen.	Russell
Dodd.	of Callahan.
Duffey.	Sanford.
Dunn.	Stevens.
Finlay.	Stewart of Jasper.
Fugler.	Storey.
Green.	Thompson.
Harris.	Wallace.
Howeth.	Westbrook.
Lewis.	Wessels.
McBride.	Wilson.
McDaniel.	

Present—Not Voting.

Purl.

Absent.

Bobbitt.	Houston.
Carter of Hays.	Hughes.
Crawford.	Irwin.
Culp.	Jacks.
Davis.	Jennings.
DeBerry.	Johnson.
Dielmann.	Jones.
Downs.	Kemble.
Dunlap.	Lackey.
Edwards.	Laird.
Frnka.	Loftin.
Hardin	McFarlane.
of Kaufman.	Montgomery.
Henderson	Morgan
of Marion.	of Robertson.
Henderson	Patterson.
of McLennan.	Quinn.
Hendricks.	Robinson.

Sackett.
Strickland.
Turner.

Vaughan.
Williamson.

Absent—Excused.

Atkinson.
Blount.
Carter of Coke.

Lamb.
Lusk.
Merriman.

Mr. Davenport moved that the House adjourn until 10 o'clock a. m. tomorrow, and the motion was lost.

HOUSE BILL NO. 60 WITH SENATE AMENDMENTS.

Mr. Stewart of Reeves called from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 60, A bill to be entitled "An Act to amend Section 12 of Chapter 190, Acts of the Regular Session of the Thirty-fifth Legislature, as amended by Section 1 of Chapter 71, of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, which section relates to the allotment of highway funds in road construction, so as to provide for authority to increase the allotment of such funds to aid in the construction of highways in the different counties, and to use said funds for maintenance purposes under certain conditions, and declaring an emergency."

The Speaker laid the bill before the House, and the Senate amendments were read.

Mr. Stewart of Reeves moved that the House concur in the Senate amendment.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—104.

Mr. Speaker.	Carson.
Abney.	Chitwood.
Amsler.	Coffee.
Arnold.	Covey.
Baker of Milam.	Cowen.
Baker of Orange.	Culp.
Baldwin.	Davenport.
Barker.	DeBerry.
Barrett.	Dinkle.
Beasley.	Dodd.
Bell.	Downs.
Bird.	Driggers.
Bobbitt.	Duffey.
Bonham.	Dunn.
Bryant.	Durham.
Burmeister.	Edwards.
Carpenter	Faubion.
of Dallas.	Finlay.

Frnka.
Fugler.
Gipson.
Green.
Greer.
Hardin of Erath.
Harrington.
Harris.
Howeth.
Hull.
Lackey.
Lane.
LeMaster.
LeStourgeon.
Lewis.
Loftin.
Looney.
McBride.
McDaniel.
McDonald.
McNatt.
Martin.
Maxwell.
Melson.
Miller.
Moore.
Morgan
of Liberty.
Patman.
Patterson.
Perdue.
Pinkston.
Pool.
Pope.
Potter.
Price.
Purl.

Quaid.
Quinn.
Rice.
Rogers.
Rowland.
Russell
of Callahan.
Russell of Trinity.
Sackett.
Sanford.
Satterwhite.
Shearer.
Shires.
Simpson.
Smith.
Sparkman.
Stell.
Stevens.
Stewart
of Edwards.
Stewart
of Galveston.
Stewart of Jasper.
Stewart of Reeves.
Stiernberg.
Storey.
Sweet.
Teer.
Thompson.
Thrasher.
Wells.
Westbrook.
Wilmans.
Wilson.
Winfree.
Young.

Nays—4.

Cable.
Mathes.

Pate.
Wessels.

Absent.

Avis.	Jacks.
Carpenter	Jennings.
of Matagorda.	Johnson.
Carter of Hays.	Jones.
Collins.	Kemble.
Crawford.	Laird.
Davis.	McFarlane.
Dielmann.	McKean.
Dunlap.	Merritt.
Fields.	Montgomery.
Hardin	Morgan
of Kaufman.	of Robertson.
Henderson	Robinson.
of Marion.	Strickland.
Henderson	Stroder.
of McLennan.	Turner.
Hendricks.	Vaughan.
Houston.	Wallace.
Hughes.	Williamson.
Irwin.	

Absent—Excused.

Atkinson.

Blount.

Carter of Coke. Lusk.
Lamb. Merriman.

HOUSE BILL NO. 51 WITH SENATE AMENDMENTS.

Mr. Pope called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 51, A bill to be entitled "An Act amending Section 3 and Section 5 of an act passed at the Regular Session of the Thirty-sixth Legislature of the State of Texas, entitled 'An Act to provide for the purchase and distribution by the State of free text books to the public school children of the State of Texas,' etc., being Senate bill No. 118, Chapter 29 of the Regular Session Laws, so as to prevent the unlawful expenditure of the State Text Book Fund and inhibit the unlawful purchase of unnecessary free text books, repealing all laws in conflict herewith, and declaring an emergency."

The Speaker laid the bill before the House, and, the Senate amendments were read.

On motion of Pope, the House concurred in the Senate amendments.

HOUSE BILL NO. 23 WITH SENATE AMENDMENTS.

Mr. Greer called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 23, A bill to be entitled "An Act for the purpose of promoting the public school interests of rural schools and those of small towns, of aiding the people to provide adequate school facilities for the education of their children, by the appropriation of two million dollars per year, or so much thereof as may be necessary, for the next two fiscal years ending August 31, 1924, and August 31, 1925, respectively; allowing the State Board of Education and the State Superintendent of Public Instruction to aid such schools in accordance with the conditions herein specified; providing how such schools shall be located and school buildings constructed, furnished and maintained; providing certain prerequisites for the granting of such aid, and providing no school having over five hundred scholars shall receive such aid; giving preference to all school districts in which the available school fund, together with the local district tax, will not maintain the school six months in the year; limiting the amount which any school may

receive; providing for aid for schools where extraordinary conditions prevent school from meeting stated requirements; providing assistance for such rural schools as will afford instruction and demonstration in home and farm vocations, according to plans approved by the State Department of Education; providing assistance for small districts which effect consolidation during two fiscal years; providing for the expenses of administration by action of the State Board of Education; providing for reports to be made to the State Superintendent of Public Instruction and to the State Board of Education; providing for the manner of payment and disbursement of all money granted under the provisions of this act; repealing all laws and parts of laws in conflict herewith."

The Speaker laid the bill before the House, and the Senate amendments were read.

Mr. Greer moved that the House do not concur in the Senate amendments, and that a free conference committee be requested to adjust the differences between the two houses on the bill.

The motion prevailed.

HOUSE BILL NO. 7 WITH SENATE AMENDMENTS.

Mr. Patman called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 7, A bill to be entitled "An Act to appropriate six million dollars (\$6,000,000) out of the general funds of the State to aid all the public schools for the scholastic years beginning September 1, 1923, and ending August 31, 1925, the same to be distributed as the available school funds are now distributed."

The Speaker laid the bill before the House, and the Senate amendments were read.

Mr. Patman moved that the House do not concur in the Senate amendments, and that a free conference committee be requested to adjust the differences between the two houses on the bill.

The motion prevailed.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, May 14, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

S. C. R. No. 17, Relating to the physical punishment in the State penitentiary.

The Senate has passed

H. B. No. 210, A bill to be entitled "An Act amending Section 35, Article 7355, of the Revised Civil Statutes of Texas, 1911, providing for an occupation tax on coin operated vending machines, such as phonographs, electrical piano, electrical battery, graphophone, weighing machine or other like machines or instruments where a fee is charged, repealing all laws and parts of laws in conflict therewith, and declaring an emergency," with amendments.

Respectfully,

RICHARD BLALOCK,

Assistant Secretary of the Senate.

RECESS.

On motion of Mr. Davenport, the House, at 6:45 o'clock p. m., took recess to 8:30 o'clock p. m. today.

NIGHT SESSION.

The House met at 8:30 o'clock p. m. and was called to order by the Speaker.

CONFERENCE COMMITTEES APPOINTED.

The Speaker announced the appointment of the following conference committees:

On House bill No. 23: Messrs. Chitwood, Greer, Harris, Westbrook and Satterwhite.

On House bill No. 7: Messrs. Henderson of Marion, Patman, Durham, DeBerry and Stewart of Reeves.

On House bill No. 1: Messrs. Teer, McNatt, Simpson, Baker of Orange and Storey.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 10.

Mr. Smith called up, for consideration at this time, the report of the conference committee on House bill No. 10.

The Speaker laid the report before the House.

The report having been read on Tuesday, May 8th, and further consideration postponed.

On motion of Mr. Smith, the report was adopted.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 25.

Mr. Bell called up, for consideration at this time, the following report:

Committee Room,
Austin, Texas, May 11, 1923.

Hon. T. W. Davidson, President of the Senate, and Hon. R. E. Seagler, Speaker of the House of Representatives.

Sirs: Your conference committee appointed to consider the differences between the two houses upon

H. B. No. 25, A bill to be entitled "An Act amending Sections 1 and 2 of Chapter 78, General Laws, Second Called Session, Thirty-sixth Legislature, as amended by Chapter 61 of the General Laws, First Called Session, Thirty-seventh Legislature, making it unlawful for any person, directly or indirectly, to possess or receive for the purpose of sale, or to manufacture, sell, barter, exchange, transport, export, deliver, take orders for, solicit or furnish spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, or any other intoxicant whatever, or to possess, receive, manufacture, or knowingly sell, barter, exchange, transport, export, deliver, take orders for, solicit or furnish any equipment, still, mash, material, supplies, device or other thing for manufacturing, selling, bartering, exchanging, transporting, exporting, delivering, taking orders for, soliciting or furnishing any such liquors, intoxicants or beverages, and making it unlawful for any person, directly or indirectly, to possess, or receive for the purpose of sale, or to manufacture, sell, barter, exchange, transport, export, deliver, take orders for, solicit or furnish spirituous, vinous or malt liquors or medicated bitters, or any potable liquor, mixture or preparation containing in excess of one per cent of alcohol by volume, or to possess, receive, manufacture or knowingly sell, barter, exchange, transport, export, deliver, take orders for, solicit, or furnish any equipment, still, mash, material, supplies, device or other thing for manufacturing, selling, bartering, exchanging, transporting, exporting, delivering, taking orders for, soliciting or furnishing any such liquors, intoxicants or beverages; and be further amended by adding thereto Section 2e, making proof of possession of mash, or of a still or any device for manufacturing intoxicating liquors, or proof of the possession of more than one quart of intoxicating liquors, prima facie evidence of guilt wherever possession or receipt, or possession or receipt for the purpose of sale, is made unlawful by this act; and

amending Chapter 78, General Laws, Second Called Session, Thirty-sixth Legislature, by adding Section 35a, with reference to seizure and destruction of the vehicles and instrumentalities used for the violation of the liquor laws of this State, and declaring an emergency."

Have met and, after full and free conference, have agreed and do hereby make the recommendation that the following bill be substituted and the conference committee substitute in lieu of the original be passed by both houses of the Thirty-eighth Legislature, all of which is respectfully submitted.

HARRINGTON,
DUNN,
PATTERSON,
BELL,
CRAWFORD

On the part of the House.

TURNER,
BOWERS,
FLOYD,
BURKETT,
BAUGH,

On the part of the Senate.

H. B. No. 25.

By Bell.

A BILL

To Be Entitled

An Act amending Sections 1 and 2 of Chapter 78, General Laws, Second Called Session, Thirty-sixth Legislature, as amended by Chapter 61, of the General Laws, First Called Session, Thirty-seventh Legislature, making it unlawful for any person, directly or indirectly, to possess or receive for the purpose of sale, or to manufacture, sell, barter, exchange, transport, export, deliver, take orders for, solicit or furnish spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, or any other intoxicant whatever, or to possess, receive, manufacture, or knowingly sell, barter, exchange, transport, export, deliver, take orders for, solicit or furnish any equipment, still, mash, material, supplies, device or other thing for manufacturing, selling, bartering, exchanging, transporting, exporting, delivering, taking orders for, soliciting or furnishing any such liquors, intoxicants or beverages, and making it unlawful for any person, directly or indirectly, to possess or receive for the purpose of sale, or to manufacture, sell, barter, exchange, transport, export, deliver, take orders for, solicit or furnish spirituous, vi-

nous or malt liquors or medicated bitters, or any potable liquor, mixture or preparation containing in excess of one per cent of alcohol by volume, or to possess, receive, manufacture or knowingly sell, barter, exchange, transport, export, deliver, take orders for, solicit or furnish any equipment, still, mash, material, supplies, device or other thing for manufacturing, selling, bartering, exchanging, transporting, exporting, delivering, taking orders for, soliciting or furnishing any such liquors, intoxicants or beverages; and be further amended by adding thereto Section 2e, making proof of possession of mash, or of a still or any device for manufacturing intoxicating liquors or proof of the possession of more than one quart of intoxicating liquors, prima facie evidence of guilt wherever possession or receipt, or possession or receipt for the purpose of sale, is made unlawful by this act; and amending Chapter 78, General Laws, Second Called Session, Thirty-sixth Legislature, by adding Section 35a, with reference to seizure and destruction of the vehicles and instrumentalities used for the violation of the liquor laws of this State, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section A. That Sections 1 and 2 of Chapter 78, General Laws of the Second Called Session of the Thirty-sixth Legislature, as amended by Chapter 61, General Laws of the First Called Session of the Thirty-seventh Legislature, be and the same are hereby amended so as to hereafter read as follows:

"Section 1. That it shall be unlawful for any person, directly or indirectly, to possess or receive for the purpose of sale or to manufacture, sell, barter, exchange, transport, export, deliver, take orders for, solicit or furnish spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, or any other intoxicant whatever, or to possess, receive, manufacture, or knowingly sell, barter, exchange, transport, export, deliver, take orders for, solicit, or furnish any equipment; still, mash, material, supplies, device or other thing for manufacturing, selling, bartering, exchanging, transporting, exporting, delivering, taking orders for, soliciting or furnishing any such liquors, intoxicants or beverages."

"Section 2. That it shall be unlawful

for any person, directly or indirectly, to possess or receive for the purpose of sale, or to manufacture, sell, barter, exchange, transport, export, deliver, take orders for, solicit or furnish spirituous, vinous or malt liquors or medicated bitters, or any potable liquor, mixture or preparation containing in excess of one per cent of alcohol by volume, or to possess, receive, manufacture, or knowingly sell, barter, exchange, transport, export, deliver, take orders for, solicit or furnish any equipment, still, mash, material, supplies, device or other thing for manufacturing, selling, bartering, exchanging, transporting, exporting, delivering, taking orders for, soliciting or furnishing any such liquors, intoxicants or beverages."

Sec. B. That Sections 1 and 2 of Chapter 78 of the General Laws of the Second Called Session of the Thirty-sixth Legislature, as amended by Chapter 61, of the General Laws of the First Called Session of the Thirty-seventh Legislature, be and the same are hereby amended by adding thereto another section to be known as Section 2e, reading as follows:

"Section 2e. Wherever possession or receipt, or possession or receipt for the purpose of sale, is made unlawful by this act, proof of possession of mash, or of a still or any device for manufacturing intoxicating liquors, or proof of the possession of more than one quart of intoxicating liquors, shall be prima facie evidence of guilt; but the defendant shall have the right to introduce evidence showing the legality of such possession."

Sec. C. That Chapter 78 of the General Laws of the Second Called Session of the Thirty-sixth Legislature shall be and the same is hereby amended by adding thereto another section to be known as Section 35a, which Section 35a reads as follows:

"Section 35a. Any animal, automobile, flying machine, airplane, boat, ship or other vehicle or instrumentality used for the unlawful transportation or storage of intoxicating liquor, as defined in Sections 1 and 2 of this act, is hereby declared to be a public nuisance; and any animal, automobile, flying machine, airplane, boat, ship or other vehicle or instrumentality used in the presence and view of any peace officer of this State for the unlawful transportation or storage of intoxicating liquors as defined in Sections 1 and 2 of this act, or for the commission of any act made unlawful

by this act, shall be seized without warrant by such peace officer, which officer shall within twenty-four hours after such seizure file with the county clerk a detailed statement of the time when, the place where and the circumstances under which he seized such property, and shall appraise the value thereof, and that at any time before the trial of the condemnation suit hereinafter provided for the owner of said property seized or the person in whose possession or under whose control the same was at the time of seizure, may replevy the same by giving bond with two or more good and sufficient sureties, or a solvent guaranty or surety company, chartered or authorized to do business under the laws of this State, to be approved by the officer making the seizure or by his successor in office, payable to the State of Texas in an amount equal to the reasonable market value of the property replevied as fixed by the appraisal of said officer seizing same, conditioned that should said property in said action be condemned as a nuisance, the obligors in such bond will pay to the State of Texas the reasonable cash market value of the property replevied at the time it was seized, and all costs. And if the officer making such seizure shall fail to make such report and appraisal of the value of said property and file the same with the county clerk within twenty-four hours after such seizure thereof, he shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not exceeding five hundred dollars. In the event the property seized is not replevied, same shall be stored in a bonded warehouse; provided, that if there is not a bonded warehouse in the county where such property is seized and within reasonable reach of the officer seizing same, then such property shall, under the direction of the district judge having jurisdiction of said suit, be stored in a safe place and be safely kept in good condition, to abide the final judgment of the proper court with reference thereto, the fees for storage to be taxed as costs in any proceeding for condemnation or recovery of said property. The county or district attorney shall, after the seizure of said property, institute suit in a court of competent jurisdiction to condemn the same as a public nuisance, and to have the same destroyed if the same is not valuable or useful for some legitimate purpose, and if valuable or useful for some legitimate purpose to be sold under order of said

court, and the proceeds of such sale shall be immediately paid into the State Treasury. In cases where the property is destroyed the county or district attorney shall receive fifteen dollars in each case, and the sheriff or other officer making the seizure and sale shall receive ten dollars, to be paid by the county in which said condemnation suit is tried."

Sec. D. The importance of this act in connection with law enforcement in this State and the necessity of it becoming a law as soon as possible creates an emergency and an imperative public necessity making necessary the suspension of the constitutional rule requiring bills to be read on three several days in each house, and that this act shall take effect and be in force from and after its passage, and said rule is hereby suspended, and it is so enacted.

On motion of Mr. Bell, the report was adopted.

HOUSE CONCURRENT RESOLUTION NO. 11 WITH SENATE AMENDMENTS.

Mr. Stewart of Reeves called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. C. R. No. 11, Relating to sale of public lands on Davis Mountain.

The Speaker laid the resolution before the House, and the Senate amendments were read.

On motion of Mr. Stewart of Reeves, the House concurred in the Senate amendments.

HOUSE BILL NO. 210 WITH SENATE AMENDMENTS.

Mr. Culp called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 210, A bill to be entitled "An Act amending Section 35, Article 7355, of the Revised Civil Statutes of Texas, 1911, providing for an occupation tax on coin operated vending machines, such as phonographs, electrical piano, electrical battery, graphophone, weighing machine or other like machines or instruments where a fee is charged, repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

The Speaker laid the bill before the House, and the Senate amendments were read.

On motion of Mr. Culp, the House concurred in the Senate amendments.

RELATING TO TEXT BOOK CONTRACTS.

Mr. Baldwin offered the following resolution:

Whereas, During the Regular Session of the Thirty-eighth Legislature of the State of Texas a joint committee was appointed by the House of Representatives and the Senate to investigate the awarding of text book contracts by the Texas State Text Book Commission in December, 1922, and said committee has duly filed its report of said investigation and its recommendations, which report and recommendations have been received and adopted by both the Senate and the House of Representatives; and

Whereas, Said committee found, and its report shows, that said alleged contracts so made and awarded were and are illegal and void and voidable, and by adoption of said report each branch of the Legislature has declared and found said contracts to be illegal and void; and

Whereas, The change of books caused by said alleged contracts and the change of books which will follow if they are allowed to stand will entail a clear loss to the available school fund of about one million five hundred thousand dollars, which loss is without excuse, justification or reason, and should not be tolerated by the State or the citizens thereof; and

Whereas, The available school fund and the general revenue of the State and the tax burdens of the masses are in a most deplorable condition; and

Whereas, Regardless of the financial condition of the State's revenues, it is not legally or morally right to waste in an unnecessary, reckless and profligate manner the people's money; and

Whereas, The Attorney General of Texas, Honorable W. A. Keeling, has advised the Legislature officially that he declines to institute suits or take any action to cancel or annul said alleged contracts or to assert the invalidity thereof, or to take any action which would bring into question the validity and legality of such alleged contracts; and that he cannot, under his conception and interpretation of his legal duty, follow or carry out the recommendations of said Text Book Investigating Committee as adopted by the

Legislature, thereby leaving the State of Texas and its officers without legal counsel to represent them should litigation grow out of the controversy regarding said alleged text book contracts, in which State officers charged with the duty of administering the Text Book Law and carrying out such alleged contracts are involved; and

Whereas, Hon. S. M. N. Marrs, State Superintendent of Public Instruction; Hon. Lon A. Smith, Comptroller of Public Accounts, and Hon. C. V. Terrell, State Treasurer, have each advised each branch of the Legislature that they will not approve or pay any accounts for text books purchased under said illegal and void contracts, and will not recognize said contracts until they are established as legal in the courts; and will in all things observe the recommendations and direction of the House of Representatives and the Senate with reference thereto; and

Whereas, A suit or suits may be instituted by the holders of said alleged contracts to compel the State officers mentioned to recognize same as valid, and to carry them into effect, in which event said State officers would be without legal counsel to defend them in such suits; and

Whereas, Any taxpayer or any person, corporation, partnership, association, school board or municipality which is interested in the expenditure from the available school fund or the general revenues of the State derived from taxation, unquestionably has the right to institute any legal proceedings in the courts of the country to prevent the payment of public funds by virtue of or on account of said alleged illegal and void contracts; and any person, taxpayer, corporation, association, partnership, school board or municipality which might institute such a suit would be rendering a great public service to the State of Texas; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, That the situation which has developed is of such serious nature as concerns the people of the State of Texas, and involves the welfare and integrity of the State so that prompt action is necessary in order to protect the State and prevent waste and improper expenditure of public moneys; be it further

Resolved, That it is the sense of this body that ways and means should

be provided whereby public officers of this State who are required in any manner to administer the State Text Book Law and to carry into effect contracts for text books, should be provided with competent legal advice and counsel to represent them in the interests of the people of the State of Texas and in the interests of the public revenues, in the event any holder of alleged contract or contracts made by said Texas State Text Book Commission in December, 1922 should institute any suit or proceeding by mandamus or otherwise against or involving any of such officers. Be it further

Resolved, That the members of the House of Representatives appointed on said text book investigating committee under House concurrent resolution No. 4, passed at the Regular Session of the Thirty-eighth Legislature be, and they are hereby empowered, directed and instructed, acting in conjunction with the committee from the Senate for such purpose, should the Senate appoint such committee, to engage the services of a competent attorney or attorneys to represent and defend any State official should any litigation result by reason of the failure or refusal of such official to recognize or carry out any of such alleged contracts; and that should no similar committee be appointed by the Senate, then the said House committee herein provided for shall have power to act alone. Be it further

Resolved, That said committee, either acting alone or in conjunction with a similar committee of the Senate, should the Senate committee be appointed for said purpose, shall have power and authority to accept the services of a proper and competent attorney or attorneys should any such tender their services to the committee for the purpose of carrying into effect the objects of this resolution. Be it further

Resolved, That should said committee be obliged to employ counsel for such purpose, because the services of no proper or competent attorney have been tendered to them, then in that event they shall be authorized to expend, out of the contingent expense fund of the House of Representatives of the Thirty-eighth Legislature, for such purpose, a sum not to exceed one thousand dollars (\$1000), to be paid by proper vouchers when duly approved by a majority of said committee.

Resolved further, That no agent, attorney or other person representing the State, claiming to represent the State or representing or claiming to represent any officer or office of the State, or any of said attorneys whose services may be accepted as herein provided, shall have the right to make any settlement or compromise of any suit or suits or other proceedings that may be brought with respect to said matter, except and until said House committee, acting with said Senate committee, shall first approve in writing such proposed settlement or compromise, and all other compromises, settlements or interferences are hereby denied and prohibited, and no other person or attorney shall have the right to represent the State or any office or officer of the State or make any agreement for or on behalf of the State or any officer or office of the State except as herein provided concerning said suits or suit or proceedings.

BALDWIN,
HENDERSON of Marion,
PRICE,
LAIRD,
POPE.

The resolution was read second time. On motion of Mr. Burmeister, the resolution was laid on the table subject to call.

NOTICE GIVEN.

Mr. Baldwin gave notice that he would, on tomorrow, call up, for consideration at that time, resolution relating to text book contracts, which resolution had heretofore been laid on the table subject to call.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, May 14, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 34, A bill to be entitled "An Act making it a felony for any person to carry on or about his person while violating the liquor laws any weapon or arm mentioned in Article 475 of the Penal Code; prescribing the penalty, and declaring an emergency," with amendments.

Respectfully,
RICHARD BLALOCK,
Assistant Secretary of the Senate.

RECESS.

Mr. Quaid moved that the House recess to 9 o'clock a. m. tomorrow.

Mr. Davenport moved that the House adjourn until 9 o'clock a. m. tomorrow.

The motion of Mr. Quaid prevailed, and the House accordingly, at 10 o'clock p. m., took recess to 9 o'clock a. m. tomorrow.

TWENTY-FIRST DAY.

(Continued.)

(Tuesday, May 15, 1923.)

The House met at 9 o'clock a. m. and was called to order by Speaker Seagler.

PROVIDING FOR EXTRA PAY FOR PORTERS.

Mr. Moore offered the following resolution:

Whereas, The special porters employed in the House were required to work two and one-half hours extra on Thursday, May 3, 1923, on account of funeral services for the Honorable Lec J. Rountree; and

Whereas, Said porters were detained by order of the Superintendent of the Hall, and were thereby denied the opportunity of performing other work for compensation as they had been accustomed to doing; therefore, be it

Resolved, That the Warrant Clerk be and is hereby directed to draw warrants in the sum of \$1 each for the five special porters, the sum of \$1 representing the regular wage at which they were employed at the opening of this session.

The resolution was read second time, and was adopted.

RELATING TO INVESTIGATING CERTAIN METHODS OF PUNISHMENT AT STATE PENITENTIARY.

The Speaker laid before the House, for consideration at this time, the following resolution:

Whereas, It is openly and publicly charged that the State convicts in the penitentiary and on the State farms are required by the Prison Commissioners, guards and other officers in charge of the penitentiary and the various farms to straddle a board 2"x6" (two by six inches) elevated about ten (10)